9-24-87
Vol. 52 No. 185
Pages 35905-36008

federal register

Thursday
September 24, 1987

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

Contents

Federal Register

Vol. 52, No. 185

Thursday, September 24, 1987

Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
5705.....35905

7 CFR
Proposed Rules:
340.....35921

14 CFR
39.....35907

18 CFR
385.....35908

21 CFR
177.....35910
178.....35910
436.....35911
442.....35911
444.....35911

24 CFR
Proposed Rules:
15.....35923
2002.....35923

28 CFR
Proposed Rules:
0.....35926

32 CFR
Proposed Rules:
887.....35927

33 CFR
3.....35912
110.....35914

40 CFR
228.....35914
Proposed Rules:
192.....36000
228.....35928

47 CFR
0.....35917, 35918
43.....35918
73.....35919
Proposed Rules:
73.....35932–35936

48 CFR
Proposed Rules:
29.....35996
52.....35996

50 CFR
256.....35920
257.....35920

Federal Register
Vol. 52, No. 185
Thursday, September 24, 1987

Presidential Documents

Title 3—

The President

Proclamation 5705 of September 22, 1987

Fire Prevention Week, 1987

By the President of the United States of America

A Proclamation

Fire is most often preventable, but this past year it killed almost 6,000 Americans, injured 300,000, and caused more than $9.5 billion in direct property losses. Fire often affects the very young and the very old, and more than 80 percent of fires take place in the home. Such facts are exactly why our Nation observes a special week every autumn to remind ourselves that fire prevention and safety messages are vitally important to each of us and to our families.

This year the National Fire Protection Association, the originator of Fire Prevention Week, is encouraging families to be safe and to design and practice a home fire escape plan. Private sector initiatives in partnership with the public sector are complementing this effort. All who can should join with government officials at every level, fire service personnel, citizens' groups, and private citizens to develop and carry out public awareness and education programs about fires. Campaigns being formulated will reach high-risk populations, including inner city and rural residents, children, and the elderly.

On Sunday, October 11, 1987, at the National Fallen Fire Fighters Memorial Service at the National Fire Academy in Emmitsburg, Maryland, the tribute of a proud and grateful Nation will be paid to the 114 American fire fighters who died in the line of duty in 1986. Let us honor these heroes in prayerful remembrance.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning October 4, 1987, as Fire Prevention Week, and I call upon the people of the United States to plan and actively participate in fire prevention activities during this week and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of September, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 87-22186
Filed 9-22-87; 4:13 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 52, No. 185
Thursday, September 24, 1987

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-CE-14-AD; Amendment 39-5731]

Airworthiness Directives; Piper Models PA-28 and PA-32 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Suspension of effective date.

SUMMARY: Airworthiness Directive (AD) 87-08-08 (Amendment 39-5615), applicable to certain Piper Models PA-28 and PA-32 series airplanes was issued following an in-flight wing failure on a Piper PA-28 airplane. Subsequent to its issuance, the FAA has learned that two Piper PA-32-300 airplanes were found to have similar type cracks. Piper Aircraft Corporation has presented evidence that these airplanes were subjected to heavy use and substantial damage. An extensive evaluation of the fracture surface from these airplanes has indicated that it would require an extraordinary stress level in a severe operating environment to produce the growth rate of those cracks. Therefore, since it appears failure may not exist or develop in other Piper Models PA-28 and PA-32 airplanes of the same design flown in a less severe operational environment, the effective date of AD 87-08-08 is being suspended pending further evaluation.

EFFECTIVE DATE: September 28, 1987.

ADDRESSES: Information pertaining to this action may be obtained from the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 87-CE-14-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Perry, ACE-120A, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210, Atlanta, Georgia; Telephone (404) 991-2910.

SUPPLEMENTARY INFORMATION: AD 87-08-08, Amendment 39-5615 (52 FR 15302; April 28, 1987) was issued to require (1) removal of both wings and a visual inspection with a 10-power magnifying glass and a dye-penetrant inspection of the lower spar cap for both wings, (2) replacement of any spars found to be cracked, and (3) visual inspection of the wing upper skin for cracks and repair as necessary. AD 87-08-08R1, Amendment 39-5669 (52 FR 29505; August 10, 1987), which was issued with an effective date of August 12, 1987, revised the AD to delete the Model PA-28-201T since it was verified that its spar design configuration was different in detail and should not have been affected. The original AD was issued following an in-flight wing separation of a Piper PA-28, S/N 8090115, on March 30, 1987, near Marlin, Texas. The airplane was flying low level pipeline patrol at the time of the accident. Investigation revealed that the left wing separated from the airplane at the lower spar wing root attachment to the fuselage. NTSB and Piper personnel determined that the lower cap on the main spar had sustained a fatigue failure. The lower cap had a fatigue crack across the forward face of the lower cap just outboard of the outboard attachment hole.

The AD inspection necessitates the removal and reinstallation of close tolerance critical wing spar attachment bolts which, if not done carefully, could result in damage to the wing spar cap material that could in turn result in a future fatigue failure. In the four months that the AD has been in effect, approximately 450 airplane inspections have been performed with two other reports of spar cracks found in Model PA-32-300 airplanes. These two airplanes were operated in Alaska. A review of their maintenance records indicated extensive repairs and it was concluded that the damage, including the spar cracking, was the result of a severe operating environment. Data recently obtained from NASA confirms the frequency and severity of gust loads encountered in pipeline patrol to be approximately 20 times those encountered in normal service. There are airplanes in the fleet with 19,000 plus hours that have been inspected with no cracks found. Fatigue tests were conducted on a full-scale test article in the late 1950's and early 1960's prior to certification of the Model PA-28. These tests were performed to the equivalent of 300,000 unfactored cycles with no failure. The FAA has carefully reviewed all of the available information including a credible fatigue analysis. Striation counts on the fracture surface of the spar cap removed from one of the Model PA-32 airplanes from Alaska showed that it would require extraordinary stress levels to produce the crack growth rate found. It is concluded that the cracks found were isolated occurrences and those failures are not likely to exist or develop in other Model PA-28 or PA-32 airplanes flown in a less severe operational environment. Furthermore, with evidence of only two other wing spar cracks on Model PA-32-300 airplanes that were subjected to apparent heavy use and substantial damage, there is no basis to continue this economic burden on affected airplane owners.

Therefore, the effective date of AD 87-08-08R1 is hereby suspended. Piper has initiated an extensive analysis that will establish more accurately an inspection threshold based on different types of operations, and appropriate re-inspection intervals if necessary. At that time the AD may be reinstituted, but possibly with a different inspection threshold and with repetitive inspection intervals possible. In the interim the FAA is issuing a General Aviation Airworthiness Alert advising owners of airplanes used in conditions where these cracks may occur, of the advisability of the inspections stated in the AD.

There were approximately 25,000 U.S. registered airplanes affected by AD 87-08-08. No cost is involved in complying with the suspension of the AD's effective date. Therefore, public notice and procedure is impractical and unnecessary and contrary to the public interest and good cause exists for making this suspension effective in less than 30 days.

Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory

Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Part 39 of the Federal Aviation Regulations is amended, effective September 28, 1987, by suspending the effective date of AD87-08-08R1, Amendment 39-5615, originally published in the **Federal Register** on April 28, 1987, (52 FR 15302), as amended by amendment 39-5669 (52 FR 29505; August 10, 1987.

This amendment becomes effective on September 28, 1987.

Issued in Kansas City, Missouri, on September 11, 1987.

Paul K. Bohr,

Director, Central Region.

[FR Doc. 87-22092 Filed 9-23-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 385

[Docket Nos. RM83-41-001, et al.; Order No. 466-A]

Rules of Discovery for Trial-Type Proceedings

Issued: September 17, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; order on rehearing and reconsideration.

SUMMARY: The Federal Energy Regulatory Commission (Commission) grants rehearing of its final rule on discovery in trial-type proceedings for the limited purpose of making several clarifying and other changes. In all other respects, rehearing and reconsideration are denied.

EFFECTIVE DATE: October 26, 1987.

FOR FURTHER INFORMATION CONTACT: Julia Lake White, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) grants rehearing of its final rule on discovery in trial-type proceedings for the limited purpose of making several clarifying and other changes. In all other respects, rehearing and reconsideration are denied.

II. Background and Discussion

On March 2, 1987, the Commission issued a final rule codifying rules for conducting discovery in trial-type proceedings.[1] The rule addressed the scope of discovery methods available, the procedures for obtaining and limiting discovery, and the sanctions that may be imposed for failure to participate in discovery.

The Commission received three timely applications for rehearing of this final rule from Tennessee Gas Pipeline Company (Tennessee Gas), Independent Petroleum Association of America (IPAA), and American Gas Association (American Gas).[2]

The Commission has decided to make four changes to its rules of discovery. First, Rule 402, as promulgated, provides that "participants may obtain discovery of any matter, not privileged, that is relevant to the subject matter of a proceeding. . . ." The Commission is modifying that provision to clarify that it refers to matters relevant to "the pending proceeding." The modified language conforms to the language in Rule 26 of the Federal Rules of Civil Procedure.

Second, Rule 403(b) requires the presiding officer to issue an order stating any and all decisions made and agreements reached during a discovery conference. In this Order, the Commission is granting the Chief Administrative Law Judge (Chief ALJ) the authority to waive, upon motion or otherwise, this requirement upon a showing of extraordinary circumstances. The Chief ALJ may not delegate this authority. As a general matter, the Commission believes that this authority should be used sparingly. Extraordinary circumstances may be present, for example, if failure to waive this requirement would unduly delay the proceeding. Moreover, the Commission notes that, at any time, a presiding officer may direct participants to file draft orders to facilitate compliance with Rule 403(b)(1).

The Commission also modifies Rule 403, governing admissions, to clarify that requests for admissions and responses to those requests must be served on all parties. Finally, Rule 410(c) is amended to clarify that material subject to a protective order may nevertheless be subject to a Freedom of Information Act (FOIA) request and to FOIA review. This suggests only that a FOIA request will be entertained, not that the information will necessarily be disclosed. Under section (b)4 of FOIA, trade secrets and commercial or financial information that is privileged or confidential is exempt from disclosure.[3]

Several applicants argue that the discovery rules are too broad in various respects and lend themselves to abuse. These arguments raise no new issues. The Commission fully considered both the information gathering purposes of discovery and its potential for abuse, and adopted effective safeguards to protect against such abuse. The Commission is not persuaded by applicants to change the careful balance now struck in the rule between the goal of encouraging a full development of the record, and the goals of ensuring a timely resolution of proceedings and avoiding delay and excessive burden on the parties. Similarly, the Commission sees no need to adopt additional formalistic requirements, such as demanding certification to accompany discovery requests or objections to discovery requests. Certification is required for responses to data requests because the information produced by the responses may become part of the evidentiary record. By contrast, the data requests themselves and the objections do not form the evidentiary record and so have no comparable need for certification. Moreover, by permitting requests for supplementation only

[1] Rules of Discovery for Trial-Type Proceedings, 52 FR 6957 March 6, 1987), III FERC States. & Regs. ¶ 30,731 (1987) (Order No. 466).

[2] The Commission also received an application for rehearing filed out of time on April 2, 1987, by Texas Eastern Transmission Corporation (Texas Eastern). The Commission will address Texas Eastern's application as a petition for reconsideration in this order.

The Commission granted rehearing for purposes of further consideration on April 30, 1987, 52 FR 16844 (May 6, 1987).

[3] 5 U.S.C. 552(b)(4) (1982).

within the constraints of the procedural schedule of the proceeding, the rule properly limits requests of this nature to the extent constrained by agreement, or order of the presiding officer or the Commission, since procedural schedules are routinely established for Commission proceedings.

One applicant seeks a modification of Rule 404(e) to the effect that only the presiding officer of the entire proceeding may make rulings on objections as to competency, materiality, or relevancy of evidence, and not the officer at the deposition, who is usually a stenographer. The applicant also suggests that the rules provide for motions to terminate or limit depositions, if there is bad faith or situations which unreasonably annoy, embarrass, or oppress the deponent or participant.

The modification sought is unnecessary, since Rule 404(c)(3) provides that objections made during the deposition will be noted by the officer taking the deposition, and provides that unless a claim of privilege is asserted or the presiding officer rules otherwise, the deponent must answer the question after the objection is noted. Similarly, the presiding officer's authority to rule on objections in depositions in Rule 404(c)(3) includes ruling on motions by participants to terminate or limit depositions where appropriate.

An applicant seeks a provision stating that any participant may be present at a deposition and may examine and cross-examine a deponent. Rule 404(c)(2) already provides that any participant may be present at a deposition, since that rule provides that any participant may examine and cross-examine a deponent. Morever, during a deposition a person being deposed has a right to be represented by counsel, but the Commission does not believe it is necessary to so state, in its discovery rules.

One applicant suggests ways to modify the procedures for treating confidential information during Commission proceedings in light of the rights and needs of the participants to have access to confidential information. The Commission sees no need to restrict the flexibility of its presiding officers in shaping protective orders, as suggested by the applicant. The Commission and presiding officers are already permitted to craft protective orders in ways that are consistent with the needs and the due process rights of the participants.

The Commission also denies the request to retain Rules 604,[4] 1905 [5] and 1906 [6] for non-Subpart E proceedings. The examples cited by the applicant of proceedings which might use these revoked rules are either advisory, nonevidentiary proceedings designed to permit parties an opportunity for oral presentations of data, views and arguments that do not require this type of formality,[7] or have procedures which incorporate the Commission's rules of practice and procedure by reference.[8] Moreover, the Commission may provide that discovery rules apply to proceedings, as appropriate.[9]

List of Subjects in 18 CFR Part 385

Administrative practice and procedure, Pipelines, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Part 385, Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 385—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for Part 385 is revised to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Administrative Procedure Act, 5 U.S.C. 551–557 (1982); Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Federal Power Act, 16 U.S.C. 791–825r (1982); Natural Gas Act, 15 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Public Utilities Regulatory Policies Act of 1978, 16 U.S.C. 2601–2645 (1982); Interstate Commerce Act, 49 U.S.C. 1–27 (1976), unless otherwise noted.

2. In § 385.402, paragraph (a) is revised to read as follows:

[4] 18 CFR 385.604 (1986).

[5] 18 CFR 385.1905 (1986).

[6] 18 CFR 385.1906 (1986).

[7] *See, e.g.*, Order Instituting Rate Proceeding and Consolidating Proceedings, Delhi Gas Pipeline Corporation, 38 FERC ¶ 61,253 at 61,871 (March 13, 1987) (discusses procedures for section 311 staff panel proceedings). *See also*, 18 CFR 271.1105(a) (1987) (Section 190 Protection-Related Cost Board) (Any proceeding before the Board will be informal. Subpart E of Part 385 does not apply.); 18 CFR 385.1101(c)(2) (1987) (Section 502(c) adjustments before the Director of OPPR) (This subpart does not require a hearing to which Subpart E applies.)

[8] *See* 18 CFR 385.1304(b) (1987) (Joint FERC-State Commission Boards under Subpart M) (As far as applicable, the rules of practice and procedure as from time to time adopted or prescribed by the Commission will govern such board.).

[9] 18 CFR 385.401(a) (1987).

§ 385.402 Scope of discovery (Rule 402).

(a) *General.* Unless otherwise provided under paragraphs (b) and (c) of this section or ordered by the presiding officer under Rule 410(c), participants may obtain discovery of any matter, not privileged, that is relevant to the subject matter of the pending proceeding, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, and the identity and location of persons having any knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible in the Commission proceeding if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

* * * * *

3. In § 385.403, paragraph (b) is revised to read as follows:

§ 385.403 Methods of discovery; general provisions (Rule 403).

* * * * *

(b) *Discovery conferences.* (1) The presiding officer may direct the participants in a proceeding or their representatives to appear for one or more conferences, either separately or as part of any other prehearing conference in the proceeding under Rule 601(a), for the purpose of scheduling discovery, identifying discovery issues, and resolving discovery disputes. Except as provided in paragraph (b)(2) of this section, the presiding officer, upon the conclusion of a conference, will issue an order stating any and all decisions made and agreements reached during the conference.

(2) The Chief Administrative Law Judge may, upon a showing of extraordinary circumstances, waive the requirement to issue an order under paragraph (b)(1) of this section.

* * * * *

4. In § 385.408, paragraph (a) is revised to read as follows:

§ 385.408 Admissions (Rule 408).

(a) *General rule.* A participant may serve upon any other participant a written request for admission of the genuineness of any document or the truth of any matter of fact. The request must be served upon all participants.

* * * * *

5. In § 385.408, paragraph (b)(3) is revised to read as follows:

§ 385.408 Admissions (Rule 408).

* * * * *

(b) * * *

(3) An answer must specifically admit or deny the truth of the matters in the

request or set forth in detail the reasons why the answering participant cannot admit or deny the truth of each matter. A denial of the truthfulness of the requested admission must fairly discuss the substance of the requested admission and, when good faith requires that a participant qualify the answer or deny only a part of the matter of which an admission is requested, the participant must specify that which is true and qualify or deny the remainder. The answer must be served on all participants.

* * * * *

6. In § 385.410, paragraph (c)(6) is revised to read as follows:

§ 385.410 Objections to discovery, motions to quash or to compel, and protective orders (Rule 410).

* * * * *

(c) * * *

(6) Provide a means by which confidential matters may be made available to participants so as to prevent public disclosure. Material submitted under a protective order may nevertheless be subject to Freedom of Information Act requests and review.

* * * * *

[FR Doc. 87-22026 Filed 9-23-87; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 177 and 178

[Docket No. 86F-0188]

Indirect Food Additives; Polymers and Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 4-[[4,6-bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol as a stabilizer in articles or components of articles intended to contact food. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective September 24, 1987; objections by October 26, 1987.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 27, 1986 (51 FR 19087), FDA announced that a petition (FAP 6B3922) has been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) and § 177.2600 *Rubber articles intended for repeated use* (21 CFR 177.2600) be amended to expand present uses and to add additional uses of 4-[[4,6-bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol as a stabilizer in articles or components of articles intended to contact food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive uses are safe, and that 21 CFR 177.2600(c)(4)(iii) and 178.2010(b) should be amended as set forth below. In addition, the agency is revising the regulations to consolidate the regulated uses of the additive with the new uses authorized by this final rule.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Any person who will be adversely affected by this regulation may at any time on or before October 26, 1987 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 177

Food additives, Food packaging.

21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Parts 177 and 178 are amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR Part 177 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 177.2600(c)(4)(iii) is amended by revising the entry for "4-[[4,6-bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol" to read as follows:

§ 177.2600 Rubber articles intended for repeated use.

* * * * *

(c) * * *

(4) * * *

(iii) * * *

4-[[4,6-bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol (CAS Reg. No. 991-84-4) for use only as a stabilizer at levels not to exceed 0.5

percent by weight of the finished rubber product.

* * * * *

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 178.2010(b) is amended by revising the entry for "4-[[4,6-Bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

(b) * * *

Substances	Limitations
* * * * *	
4-[[4,6-Bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol (CAS Reg. No. 991-84-4).	For use only: 1. At levels not to exceed 0.5 percent by weight in styrene block copolymers complying with § 177.1810 of this chapter; in rosins and rosin derivatives complying with § 175.300(b)(3)(v) of this chapter; in can end cement formulations complying with § 175.300(b)(3)(xxxi) of this chapter; in side seam cement formulations complying with § 175.300(b)(3)(xxxii) of this chapter; in petroleum alicyclic hydrocarbon resins and terpene resins complying with § 175.320(b)(3) of this chapter; in rosin and rosin derivatives complying with § 176.170(a)(5) of this chapter; in petroleum alicyclic hydrocarbon resins or their hydrogenated products complying with § 176.170(b)(2) of this chapter; in terpene resins complying with § 175.300(b)(2)(xi) of this chapter, when such terpene resins are used in accordance with § 176.170(b)(1) of this chapter; in resins and polymers complying with § 176.180(b) of this chapter; in closures with sealing gaskets complying with § 177.1210 of this chapter; in petroleum hydrocarbon resin and rosins and rosin derivatives complying with § 178.3800(b) of this chapter; and in reinforced wax complying with § 178.3850 of this chapter. 2. At levels not to exceed 0.2 percent by weight of the finished cellophane complying with § 177.1200 of this chapter. 3. At levels not to exceed 0.1 percent by weight in polystyrene and rubber-modified polystyrene complying with § 177.1640 of this chapter: *Provided*, That the finished polystyrene and rubber-modified polystyrene polymer contact food only under conditions of use B through G described in Table 2 of § 176.170(c) of this chapter. 4. In adhesives complying with § 175.105 of this chapter; in pressure-sensitive adhesives complying with § 175.125 of this chapter; and as provided in § 177.2600 of this chapter.

Substances	Limitations
* * * * *	

Dated: September 8, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-21975 Filed 9-23-87; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 436, 442, and 444

[Docket No. 87N-0021]

Antibiotic Drugs; Updating and Technical Changes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations by making corrections, an updating, and a noncontroversial technical change in certain regulations providing for accepted standards of antibiotic and antibiotic-containing drugs for human use. These changes will result in more accurate and usable regulations.

DATES: Effective September 24, 1987; comments, notice of participation, and request for hearing by October 26, 1987; data, information, and analyses to justify a hearing by November 23, 1987.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA is amending the antibiotic drug regulations by making corrections, an updating, and a noncontroversial technical change in certain antibiotic drug regulations that provide for accepted standards of antibiotic and antibiotic-containing drugs intended for human use. To aid the reader in understanding the types of amendments in this document, the amendments are grouped into three general classes for discussion in this preamble: Corrections, updating, and a technical change.

Corrections

1. In § 442.53a(b)(1)(iv)(*a*), the formula to calculate micrograms of cefotetan per milligram is corrected to reflect the moisture factor. It was incorrectly stated in the **Federal Register** of June 4, 1986 (51 FR 20264).

2. In § 436.542(c), in the eighth sentence, the dissolution time period "1 hour" is corrected to read "45 minutes." This amendment to § 436.542 was inadvertently omitted in the **Federal Register** of November 15, 1985 (50 FR 47213).

Updating

Section 444.542i is removed.

In a Drug Efficacy Study Implementation notice published in the **Federal Register** of April 23, 1982 (47 FR 17677), FDA withdrew approval of the new drug applications for Neo-Aristoderm Foam containing neomycin sulfate and triamcinolone acetonide and Neo-Decaspray Aerosol containing neomycin sulfate and dexamethasone on the basis that the products lack substantial evidence of effectiveness. Therefore, the monograph (regulation) providing accepted standards for these topical anti-infective drug products is removed.

Technical Change

In § 442.27(a)(1), the chemical name of cephalexin monohydrate is revised to be in agreement with the United States Adopted Names definition.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

These amendments institute changes that are corrective, editorial, or of a minor substantive nature. Because the amendments are not controversial and because when effective they provide notice of accepted standards, FDA finds that notice, public procedure, and delayed effective date are unnecessary and not in the public interest. The amendments therefore, shall become effective September 24, 1987. However, interested persons may, on or before October 26, 1987, submit written comments on this regulation to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets

Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before October 26, 1987, a written notice of participation and request for hearing, and (2) on or before November 23, 1987, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order, and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 436

Antibiotics.

21 CFR Part 442

Antibiotics, Cepha.

21 CFR Part 444

Antibiotics, Oligosaccharide.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 436, 442, and 444 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. The authority citation for 21 CFR Part 436 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

2. Section 436.542 is amended by revising the eighth sentence in paragraph (c) to read as follows:

§ 436.542 Acid resistance/dissolution test for enteric-coated erythromycin pellets.

* * * * *

(c) *Procedure.* * * * Rotate the basket at 50 revolutions per minute for an accurately timed dissolution period of 45 minutes. * * *

* * * * *

PART 442—CEPHA ANTIBIOTIC DRUGS

3. The authority citation for 21 CFR Part 442 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

4. Section 442.27 is amended by revising the first sentence in paragraph (a)(1) to read as follows:

§ 442.27 Cephalexin monohydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate is the monohydrate form of 7-(D-*alpha*-amino-*alpha*-phenylacetamido)-3-methyl-3-cephem-4-carboxylic acid. * * *

* * * * *

5. Section 442.53a is amended by revising paragraph (b)(1)(iv)(*a*) to read as follows:

§ 442.53a Sterile cefotetan disodium.

* * * * *

(b) * * *

(1) * * *

(iv) *Calculations*—(*a*) Calculate the micrograms of cefotetan per milligram of sample as follows:

$$\text{Micrograms of cefotetan per milligram} = \frac{A_u \times P_s \times 100}{A_s \times C_u \times (100-m)}$$

where:

A_u = Area of the cefotetan peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the cefotetan peak in the chromatogram of the cefotetan working standard;

P_s = Cefotetan activity in the cefotetan working standard solution in micrograms per milliliter;

C_u = Milligrams of sample per milliliter of sample solution; and

m = Percent moisture in the sample.

* * * * *

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

6. The authority citation for 21 CFR Part 444 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

§ 444.542i [Removed]

7. Section 444.542i *Neomycin sulfate-triamcinolone acetonide topical aerosol; neomycin sulfate-dexamethasone topical aerosol* is removed.

Dated: September 11, 1987.

Sammie R. Young,

Deputy Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 87-21973 Filed 9-23-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 87-062]

Changes to Marine Inspection Zones, and Captain of the Port Zones, New Orleans, LA; Morgan City, LA; Mobile, AL; and Port Arthur, TX

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule reassigns various Coast Guard Marine Inspection and Captain of the Port Zones within the Eighth Coast Guard District to reflect organizational changes in the Coast Guard. The Coast Guard is reorganizing Marine Inspection Office New Orleans and Captain of the Port Office in New Orleans into Marine Safety Offices in New Orleans and Morgan City, Louisiana. These organizational changes will not adversely affect any Coast Guard services to the public.

EFFECTIVE DATE: October 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mrs. Janice C. Jackson, Project Manager, Office of Marine Safety, Security and Environmental Protection, telephone (202) 267-0389. Normal working hours are between 7:00 a.m. and 3:30 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not prepared for this regulation. These amendments are matters relating to agency organization and are exempt

from the notice and comment requirements of 5 U.S.C. 553(b). Since this rule reflects current organizational changes being placed in effect and has no substantive effect, good cause exists to make it effective in less than 30 days after publication, under 5 U.S.C. 553(d). The rulemaking merely reassigns Marine Inspection and Captain of the Port Zones to conform with changes in the Coast Guard's internal organization. There will be no effect on the public, since Eighth Coast Guard District Marine Safety Units will continue to perform all functions affecting the public that were previously performed.

Drafting Information: The principal persons involved in drafting this rulemaking are Lieutenant Commander R. G. Pond, Project Manager, Eighth Coast Guard District Marine Safety Division; and Lieutenant Commander J. J. Vallone, Project Attorney, Eighth Coast Guard District Legal Office.

Discussion: Effective 1 October 1987, the Captain of the Port Office New Orleans and Marine Inspection Office New Orleans will merge resources to establish Marine Safety Office New Orleans and Marine Safety Office Morgan City. Merging the functions of Marine Inspection and Captain of the Port into unified Marine Safety Offices is an ongoing process begun by the Coast Guard in the mid-1970's. Due to the large geographic area and the extremely high volume of commercial vessel traffic in the area, two Marine Safety Offices are being established instead of one. While enabling more efficient internal management and enhancing performance of missions, this reorganization will not affect any Coast Guard services to the public.

Regulatory Evaluation

This final rule is exempt from the provisions of Executive Order 12291 since it pertains to matters of agency organization as provided for in section 1(a)(3) of the Order. It is considered to be non-significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. This final rule places no requirements on any sector of the public. It will not adversely affect Coast Guard services delivered to the public. The rule reflects a change in internal Coast Guard organization, streamlining the logistics and support functions. In accomplishing this, some functions, and personnel, will be transferred from one location to another. Since the impact of the final rule is minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 3

Coast Guard Areas, Districts, Marine Inspection Zones, Captain of the Port Zones.

PART 3—[AMENDED]

In consideration of the foregoing, Part 3 of Title 33 of the Code of Federal Regulations, is amended as set forth below.

1. The authority citation for Part 3 continues to read as follows:

Authority: 14 U.S.C. 633; 49 CFR 1.45, 1.46.

§ 3.40-10 [Amended]

2. Section 3.40-10, Paragraph (b) is revised to read as follows:

* * * * *

(b) The boundary of the Mobile Marine Inspection Zone and Captain of the Port Zone starts at the Florida coast 83°50′ W. longitude; thence due north to 30°15′ N. latitude, 83°50′ W. longitude; thence due west to 30°15′ N. latitude, 84°45′ W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45′ W. longitude; thence northeasterly along the eastern bank of Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to 32°20′ N. latitude, 84°02′ W. longitude; thence northwesterly to the intersection of the Georgia-Alabama boundary at 32°53′ N. latitude; thence northerly along the Georgia-Alabama boundary to 34° N. latitude; thence due west to the Alabama-Mississippi boundary at 34° N. latitude; thence northerly along the Alabama-Mississippi boundary to the southern boundary of Tishomingo County, Mississippi; thence westerly and southerly along the southern boundaries of Tishomingo and Prentiss Counties, Mississippi, including that area of the Tennessee-Tombigby Waterway south of the Bay Springs Lock and Dam; thence southerly and westerly along the eastern and southern boundaries of Lee, Chickasaw, and Calhoun Counties, Miss.; thence southerly along the western boundaries of Webster, Choctaw, Winston, Neshoba, Newton, Jasper, Jones, Forrest and Stone Counties, Miss.; thence easterly along the northern boundary of Harrison County, Miss. to 89°10′ W. longitude; thence due south to the Mississippi Coast; thence southeasterly to 29°10′ N. latitude, 88° W. longitude; thence south to 28°50′ N. latitude, 88° W. longitude.

§ 3.40-15 [Amended]

3. Section 3.40-15, paragraph (b) is revised to read as follows:

* * * * *

(b) The boundary of the New Orleans Marine Inspection Zone and Captain of the Port Zone starts at 28°50′ N. latitude, 88° W. longitude; northerly to 29°10′ N. latitude; thence northeasterly to the Mississippi coast at 89°10′ west; thence north to the northern Harrison County boundary; thence westerly along the northern Harrison County boundary; thence northerly along the western county boundaries of Stone, Forrest, Jones, Jasper, Newton, Neshoba, Winston, Choctaw, and Webster Counties to the 8th district line thence west to the Texas-Louisiana border; thence south along the Texas-Louisiana border to the northern De Soto Parish boundary; thence easterly along the northern and eastern parish boundaries of De Soto, Sabine, Vernon, Allen Parishes thence east along the northern parish boundaries of Acadia, Lafayette, St. Martin, Iberia, Assumption and Lafourche parishes to 90° west longitude; thence southeast to 28°50′ north, 89°27′06″ west, thence east to 88° W. longitude.

4. Section 3.40-17 is added to read as follows:

§ 3.40-17 Morgan City Marine Inspection Zone and Captain of the Port Zone.

(a) The Morgan City Marine Inspection Office and Captain of the Port Office are in Morgan City, Louisiana.

(b) The Boundary of the Morgan City Marine Inspection Zone and the Captain of the Port Zone starts at 28°50′ N. latitude, 88° W. longitude; thence due west to 28°50′ N. latitude, 89°27′06″ W. longitude; thence northwesterly along the northern boundaries of Lafourche, Assumption, Iberia and St. Martin Parishes; thence westerly along the westerly boundary of Lafayette and Acadia Parishes; to an intersection with 92°23′ W. longitude; thence south along 92°23′ W. longitude to the sea.

§ 3.40-20 [Amended]

5. Section 3.40-20, paragraph (b) is revised to read as follows:

* * * * *

(b) The boundary of the Port Arthur Marine Inspection Zone, and the Captain of the Port Zone, starts at the junction of the sea and 92°23′ W. longitude; thence north along 92°23′ W. longitude to the northern boundary of Acadia Parish; thence westerly along the northern boundary of Acadia Parish; thence northwesterly along the north eastern boundaries of Allen, Vernon,

Sabine, De Soto Parishes; thence westerly along the northern boundary of De Soto Parish to the Louisiana-Texas boundary; thence north along the Louisiana-Texas boundary and the Texas-Arkansas boundary; thence westerly along the Texas-Arkansas boundary and the Texas-Oklahoma boundary to 97° W. longitude; thence south along 97° W. longitude to the southern boundary of Dallas County, Texas; thence easterly along the southern boundary of Dallas County, Texas, to the east bank of the Trinity River; thence southeasterly along the east bank of the Trinity River; thence southeasterly along the east shore of Lake Livingston; thence southerly along the east bank of the Trinity River to 30° N. latitude; thence east along 30° N. latitude to 94°23' W. longitude; thence south along 94°23' W. longitude to the sea.

Dated: September 3, 1987.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety Security and Environmental Protection.

[FR Doc. 87-22087 Filed 9-23-87; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 110

[CGD14-87-02]

Anchorage Ground; Apra Harbor, Island of Guam

AGENCY: Coast Guard, DOT.

ACTION: Final rule, Corrected.

SUMMARY: This document corrects the wording of the final regulation to indicate that § 110.238 is revised, rather than added as indicated in the final rule signed July 1, 1987 (52 FR 25864; July 9, 1987). No change is made to the final rule text.

FOR FURTHER INFORMATION CONTACT: LT M. D. WEST; (808) 541-2315.

Accordingly, Final Rule Docket (CGD14-87-02) is corrected as follows:

Final Regulations

* * * * *

"2. Section 110.238 is revised to read as follows:"

* * * * *

Dated: September 10, 1987.

W.P. Kozlovsky,

Commander, 14th Coast Guard District.

[FR Doc. 87-22084 Filed 9-23-87; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-3266-8]

Designation of Site for Ocean Dumping; Atlantic Ocean Offshore Portland, ME

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is designating a site located offshore of Portland, Maine for the disposal of dredged material. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of dredged material. This final site designation is for an indefinite period of time but is subject to continued monitoring in order to insure that unacceptable adverse environmental impacts do not occur.

DATE: This designation shall become effective October 26, 1987.

ADDRESSES: U.S. Environmental Protection Agency—Region 1, JFK Federal Building—WQE-1900, Boston, MA 02203.

The file supporting this designation and the letters of comment are available for public inspection at the above location.

FOR FURTHER INFORMATION CONTACT: Kymberlee Keckler, (617) 565-4432.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 140 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986 the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This site designation is being made pursuant to that authority. The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in Part 228. This site designation is being published as final rulemaking in accordance with § 228.4(e) of the Ocean Dumping Regulations, which permits the designation of ocean disposal sites for dredged material.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, ("NEPA") requires that Federal agencies prepare Environmental Impact Statements (EISs) on proposals for major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to incorporate careful consideration of all environmental aspects of proposed actions into the decision-making process. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs for ocean dumping site designations under the MPRSA [39 FR 16186 (May 7, 1974)]. The EPA has prepared a Final EIS entitled *Environmental Impact Statement (EIS) for Portland, Maine Dredged Material Disposal Site Designation.* On April 1, 1983 a notice of availability of the EIS for public review and comment was published in the Federal Register [48 FR 14037]. Anyone desiring a copy of the EIS may obtain one from the address given previously. The comment period closed on May 2, 1983. One comment was received on the Final EIS which favored giving final designation to the site. The action discussed in the EIS is destination for continuing use of an ocean disposal site for dredged material. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal. The appropriateness for ocean disposal is determined on a case-by-case basis as part of the permit-issuing process for ocean disposal. The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. As explained in the EIS, land-based disposal alternatives were rejected based on the lack of information on possible construction of marshlands, increased costs, and the lack of available land area near the disposal activities. A more detailed analysis of land-based alternatives will be performed as part of any application for a permit to use the site.

Alternative ocean sites which include previously used nearshore sites, were rejected from consideration. Disposing of dredged material in those sites would not significantly ameliorate any adverse effects on the environment and might conflict with commercial fisheries. Alternative deepwater sites on the Continental Slope beyond the Gulf of Maine were rejected from consideration because the greater distance from shore (240 nautical miles) increases the potential for short dumping owing to possible emergencies during adverse weather conditions. Furthermore, greater water depth (over 200 meters) would result in the deposition of dredged materials over a larger area than projected for the site, and cost to transport the dredged material would be excessive.

The Wilkinson Basin, an alternative site located 21 nautical miles southeast of Portland Harbor in the Gulf of Maine, was also considered. It is not seaward of the true East Coast Continental Shelf. However, it does fulfill some of the same environmental conditions of deep water (i.e., low energy and low biomass). The Wilkinson Basin has not been used previously for dredged material disposal, and the potential adverse effects of dredged sediment on indigenous organisms and resources are presently unknown.

The EIS presents the information needed to evaluate the suitability of ocean disposal areas for final designation and is based on a disposal site environmental study. The study and final designation process are being conducted in accordance with the Act, the Ocean Dumping Regulations, and other applicable Federal environmental legislation. This final rulemaking notice fills the same role as the Record of Decision required under regulations promulgated by the Council on Evironmental Quality for agencies subject to NEPA.

C. Site Designation

On July 23, 1987 EPA proposed designation of this site for the continuing disposal of dredged materials. The public comment period on this proposed action closed September 8, 1987. No significant comments was received.

This site is located approximately 6.8 miles offshore of Portland, Maine and occupies an area about one square nautical mile. Water depths within the area average 50 meters. The coordinates of the site are as follows:

43° 33' 36"N, 70° 02' 42"W;
43° 33' 36"N, 70° 01' 18"W;
43° 34' 36"N, 70° 02' 42"W;
42° 34' 36"N, 70° 01' 18"W.

If at any time disposal operations at the site cause unacceptable adverse impacts, further use of the site will be restricted or terminated.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Site selection assures that interference with other marine activities is minimized, any temporary perturbations from the dumping causing impacts outside the disposal site are prevented, effective monitoring to detect any adverse impacts at an early stage is permitted. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at an interim site cause unacceptable adverse impacts, the use of that site will be terminated as soon as suitable alternate disposal sites can be designated. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations and § 228.6 lists eleven specific factors used in evaluating a disposal site to assure that the general criteria are met. The site as discussed below under the eleven specific factors, is acceptable under the five general criteria. Based on the information presented in the Final EIS, EPA has determined that a site off the Continental Shelf is not feasible and that no environmental benefit would be obtained by selecting such a site instead of that stated in this action. Historical use at the site has not resulted in substantial adverse effects to living resources of the ocean or to other uses of the marine environment. Although no records are on file with the Corps of Engineers, the site has probably been used since 1946 or 1947 for the ocean disposal of about one million cubic yards of dredged material. Additional dredging, with volumes up to an additional 200,000 cubic yards, is expected depending upon the requirements of the Portland Harbor channel system. The characteristics of the site are reviewed below in terms of the eleven factors.

1. *Geographical position, depth of water bottom topography and distance from coast* [40 CFR 228.6(a)(1)].

The site's corner coordinates, size, and distance from shore are listed under Part C, Proposed Site Designation. Water depths at the site range from 39 to 64 meters, with an average of 50 meters. Bottom topography is characterized by rough, irregular rocky outcrops with topographic relief on the order of 20 meters. A fine-grained sand and silt-covered basin approximately 600 meters square at the center of the site has been used for the point disposal location for dredged material. Because of its depth (64 meters), the basin is not significantly affected by waves and currents and is a low-energy environment. Consequently, disposed dredged material is likely to remain in the immediate area.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases* [40 CFR 228.6(a)(2)].

Areas for breeding, spawning, nursery and/or passage of commercially and recreationally important finfish and shellfish species occur on a seasonal basis across the western shelf of the Gulf of Marine. Past disposal of dredged material at the site has not caused detectable, significant or irreversible adverse impacts on living resources.

The major amenity areas in the vicinity of the site are the shallow inshore waters (less than 200 meters). Lobsters migrate into these shallow areas during the spawning season, from late spring to midsummer. It is unlikely that dredged material disposal at the site (averaging 50 meters in depth) will directly interfere with lobster spawning because bottom depths and current speed and direction should prevent the transport of dredged material from the site towards the shallower, inshore areas. Although some lobster larvae may be affected by disposal activities, this impact should not significantly affect the population because disposal will occur irregularly and affect a small area relative to the total spawning grounds.

Impacts of dredged material disposal on demersal fish at the site will probably be restricted to temporary changes in abundance, numbers of species, mean size, and food preferences. It is unlikely that disposal activities will interfere with commercially valuable fish because of their mobility. Two species of commercial fish that lay demersal eggs are not expected to be adversely affected since the substrate and offshore locale of the site are not preferred spwaning areas for these fish.

3. *Location in relation to beaches and other amenity areas* [40 CFR 228.6(a)(3)].

The site is 6.8 nautical miles from the nearest beach. Distance from shore, water depth, configuration of the basin, and net southwest transport will decrease the possibility of dredged material reaching beaches or other amenity areas. Studies reported in the EIS indicate that most of the dredged material disposed at the site has been shown to remain within the disposal area.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any* [40 CFR 228.6(a)(4)].

Dredged material released at approved sites must conform to the EPA criteria in the ocean dumping regulations (40 CFR Part 227). Sediments presently being dredged from the Portland Harbor area are composed of fine sand, silt and clay, and are similar in grain size to natural sediments in the central basin of the disposal site. The dredged material is transported in bulk by a barge equipped with a bottom dump mechanism. Approximately one million cubic yards of material have been disposed of at the site to date. Future dredging volumes may contribute an additional amount of 200,000 cubic

yards depending upon the requirements of the Portland Harbor channel system.

5. *Feasibility of surveillance and monitoring* [40 CFR 228.6(a)(5)].

The U.S. Army Corps of Engineers currently conducts on-board surveillance to confirm that disposal operations occur at the proper location. Monitoring by EPA and the Corps of Engineers will continue for as long as the site is active. In order to detect any transport of dredged material outside the site, the sediment will be monitored at the site and along transects of possible transport. If movement of material appears to impact known resources, analysis of the specific resource will occur. Benthic communities will be monitored to detect changes that extend beyond the site.

Periodic bioaccumulation analyses of benthic invertebrates and fishes collected from the disposal site and bioassays will indicate if the dredged material will adversely affect the marine biota. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any* [40 CFR 228.6(a)(6)].

Current velocities range from 0 to 16 centimeters per second at the site. Currents are influenced by tides in a rotational manner, but net water movement is to the southwest. The Corps of Engineers reported that Portland Harbor dredged material (primarily fine sand, silt, and clay) is cohesive; therefore, rapid settling of the released sediments should occur. Minimal horizontal mixing or vertical stratification of disposal materials should occur, resulting in low suspended sediment concentrations.

Previous studies have demonstrated the relative immobility of dredged material at the site. A major portion of the material will remain within the site boundaries and most likely within the basin at the center of the site.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects)* [40 CFR 228.6(a)(7)].

Several industrial and municipal discharges are located in Portland Harbor. Although these discharges are 11 nautical miles from the site, they represent the closest point source discharges of pollutants. Because of the distance involved and dilution factors associated with mixing, discharges in Portland Harbor are not expected to have a measurable effect on the site.

Previous dredged material disposal at the site has not produced any significant adverse effects on the water quality. Changes in water quality as a result of disposal operations have been of short duration (minutes) and have been confined to relatively small areas. No major differences in finfish and/or shellfish species or numbers were found in recent surveys within and adjacent to the site.

In 1943, the War Department established the area of the site for the disposal of dredged material from Portland Harbor. Major dredging projects were authorized for Portland Harbor at that time, and it is presumed in the absence of actual records that the site was used for dredged material disposal between 1943 and 1946. No pre- or post-disposal data were collected in the vicinity of the site during the 1940's to 1960's. Recent disposal of dredged material has produced localized, minor and reversible impacts of mounding, smothering of the benthos, and possible temporary impacts on demersal fish.

Sediment collected by EPA from the disposal area during 1979 and 1980 contain higher levels of mercury, cadmium, lead, and saturated and aromatic hydrocarbons than do sediments at control stations near the site and on Georges Bank. These higher trace metal and hydrocarbon concentrations probably reflect contaminants present in dredged material disposed at the site. However, concentrations of trace metals from the site and control stations were generally lower than levels present in Portland Harbor sediments. In addition, bioassays indicate that discharges of dredged material would be ecologically acceptable according to ocean dumping criteria.

Mussels monitored at the site and at a control station on Bulwark Shoals indicated that tissue concentrations of cadmium, chromium, cobalt, copper, iron, mercury, nickel, and zinc were five to fifty-five percent higher at the site than at the control station. While high cadmium concentrations may be associated with naturally occurring upwelling, high zinc levels are probably associated with anthropogenic inputs. Trace metal concentrations in tissues of crustaceans and other benthic organisms collected at the site were well below FDA action levels. In addition, the bioaccumulation tests performed indicate a low potential for toxic constituents to accumulate in the human food chain.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean* [40 CFR 228.6(a)(8)].

Extensive shipping, fishing, recreational activities, and scientific investigations take place in the Gulf of Maine throughout the year. However, previous dredged material disposal operations are not known to have interfered with these activities. The Bureau of Land Management has not announced plans to lease any areas on the nearshore Continental Shelf adjacent to the site for oil and gas exploration. Mineral extraction, desalination, and aquaculture activities do not presently occur near the site.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys* [140 CFR 228.6(a)(9)].

Investigations of dredged material disposal operations at the site have indicated that disposal has had no significant adverse effects on water quality (e.g., dissolved nutrients, trace metals, dissolved oxygen, or pH).

Diatoms and dinoflagellates are the major types of phytoplankton within the coastal areas of the Gulf of Maine, and their population dynamics are closely correlated with annual cycles of nutrients and light energy. Population cycles of zooplankton often are closely correlated with seasonal cycles of phytoplankton since many zooplankters use phytoplankton as food. At the site zooplankton begin to increase in numbers in late March and are dominated by copepods.

The infaunal communities within the site have a high degree of natural variability and an inconsistent pattern of species distribution. The epifaunal community associated with rocky surfaces is dominated by attached suspension feeders. Mobile organisms (crustaceans, asteroids, ophiroids, and demersal fish) are uncommon.

Site surveys have detected no significant differences in water quality or biological characteristics among areas within the site and adjacent areas. Therefore, dredged material disposal at the site does not appear to significantly alter water quality or ecology.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site* [40 CFR 228.6(a)(10)].

There are no known components of this dredged material or consequences of its disposal which would attract or result in recruitment or development of nuisance species to the site. Previous surveys at the site did not detect the development or recruitment of nuisance species, and the similarity of the dredged material with the existing

sediments suggests that the development or recruitment of nuisance species is unlikely.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance* [40 CFR 228.6(a)(11)].

The State of Maine Department of Archeology reported that no cultural or natural features of historical importance exist at or near the site.

E. Action

The EIS concludes that the site may appropriately be designated for use. The site is compatiable with the general criteria and specific factors used for site evaluation. The designation of the Portland, Maine site as an EPA approved Ocean Dumping Site is being published as final rulemaking. Management of this site has been delegated to the Regional Administrator of EPA Region 1. However, it is recognized that the Corps New England Division actually manages the site through its Regulatory Program. It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the right to disapprove the actual dumping, if it is determined that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on small entities. Since the site designation will only have the effect of providing a disposal option for dredged material, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Final Rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: September 16, 1987.

Michael R. Deland,

Regional Administrator for Region 1.

In consideration of the foregoing, Subchapter H of chapter I of Title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. sections 1412 and 1418.

2. Section 228.12 is amended by removing paragraph (a)(1)(ii)(K), the Portland, Maine, dredged material disposal site, and by adding paragraph (b)(47), an ocean dumping site for Region 1, to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(47) Portland, Maine, Dredged Material Disposal Site—Region 1

Location:

43°33'36" N, 70°02'42" W;
43°33'36" N, 70°01'18" W;
43°34'36" N, 70°02'42" W;
43°34'36" N, 70°01'18" W;

Size: 1 square nautical mile.

Depth: 50 meters.

Primary Use: Dredged material.

Period of Use: Continuing Use.

Restrictions: Disposal shall be limited to dredged material.

[FR Doc. 87-22056 Filed 9-23-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Editorial Amendment of List of Office of Management and Budget Approved Collection

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the Commission's list of Office of Management and Budget approved information collection requirements contained in the Commission's Rules.

This action is necessary to comply with the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget for each agency information collection requirement.

This action will provide the public with a current list of information collection requirements in the Commission's Rules which have OMB approval.

EFFECTIVE DATE: September 24, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Terry Johnson, Office of Managing Director, (202) 634-1535.

SUPPLEMENTARY INFORMATION:

In the Matter of Editorial amendment of list of Office of Management and Budget approved information collection requirements contained in Part 0 of the Commission's Rules.

Order

Adopted: August 31, 1987.
Released: September 14, 1987.

1. Section 3507(f) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507(f)) requires agencies to display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement.

2. Section 0.408 of the Commission's Rules displays the OMB control numbers assigned to the Commission's information collection requirements. OMB control numbers assigned to Commission forms are not listed in this section since those numbers appear on the forms.

3. This Order amends § 0.408 to remove listings of information collections which the Commission has eliminated or to add listings of new information collections which OMB has approved.

4. Authority for this action is contained in section 4(i) of the Communications Act of 1934 (47 U.S.C. 154(i)), as amended, and § 0.231(d) of the Commission's Rules. Since this amendment is editorial in nature, the public notice, procedure, and effective date provisions of 5 U.S.C. 553 do not apply.

5. Accordingly, *It is ordered, that* § 0.408 of the rules is *Amended* in accordance with the attached appendix, effective on the date of publication in the **Federal Register**.

6. Persons having questions on this matter should contact Terry Johnson at (202) 634-1535.

List of Subjects in 47 CFR Part 0

Reporting and recordkeeping requirements.

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

Appendix

Part 0 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

§ 0.408 [Amended]

2. In 47 CFR 0.408, paragraph (b) is amended by removing the following rule sections and their corresponding OMB control numbers:

Rule section No.	OMB control No.
22.208	3060-0150
42.7	3060-0166
42.9	3060-0166
43.52	3060-0169
43.54	3060-0169
43.74	3060-0169
73.45	3060-0146
73.3542	3060-0217
80.31	3060-0365
90.155(a)	3060-0220
90.437	3060-0269

3. In 47 CFR 0.408, paragraph (b) is amended by adding the following rule sections and their corresponding OMB control numbers:

Rule section No.	OMB control No.
15.312(c)	3060-0387
18.203(b)	3060-0329
Part 42	3060-0166
73.1635	3060-0386
73.1690	3060-0374
76.58	3060-0376
76.66	3060-0375
97.521	3060-0368

[FR Doc. 87-21999 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 0 and 43

[CC Docket 86-182, FCC 87-242]

Common Carrier Services, Automated Reporting Requirements for Certain Class A and Tier 1 Telephone Companies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has established an Automated Reporting System for the collection of the financial and operating data that this Commission requires to administer its accounting, joint cost, jurisdictional separations, rate base disallowance, and access charge rules. Our need to organize and automate carrier data reporting has arisen from the increasing scope and complexity of our regulatory responsibilities. Automation of our data requirements will enhance our data accumulation and analysis systems so as to allow the processing of data in the most effective and efficent manner.

EFFECTIVE DATE: November 12, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Accounting and Audits Division, Common Carrier Bureau, (202) 634-1861.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's report and order, CC Docket 86-182, adopted July 16, 1987, and released September 17, 1987.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Washington, DC 20037.

Summary of Report and Order

On May 7, 1986, the FCC released a Notice of Proposed Rulemaking (Notice), CC Docket 86-182 (FCC 86-227), proposing to adopt changes in our rules to implement an automated reporting system for financial and operating data for the local exchange carriers.

By this Report and Order, the FCC established an automated reporting system for financial and operating data for Tier 1 telephone companies which will be phased in over a two-year period, beginning in October, 1987. This reporting system is intended to facilitate the timely and efficient analysis of revenue requirements and rates of return, to provide an improved basis for audit and other oversight functions, and to enhance our ability to quantify the effects of alternative policy proposals. The information submitted by the carriers in the automated reporting system will provide the necessary detail to enable this Commission to fulfill its regulatory responsibilities.

Ordering Clauses

Accordingly, it is ordered, pursuant to the provisions of sections 4(i), 4(j), 201 through 205, 215, 218, 219 and 220(a) of the Communications Act of 1934, as amended, that the automated reporting system is adopted as set forth herein.

It is further ordered, that the Chief of the Common Carrier Bureau is delegated the authority to implement the policies, rules and requirements as set forth herein.

List of Subjects

47 CFR Part 0

Commission organization.

47 CFR Part 43

Reports of communication common carriers and certain affiliates.

William J. Tricarico,

Secretary.

Parts 0 and 43 of 47 CFR are amended as follows:

PART 0—[AMENDED]

1. The authority citation for Part 0 continues to read:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, unless otherwise noted.

2. Section 0.291 (b) is amended by changing the words "and (3) act" to "(3) act", removing the period at the end of the sentence and by adding the following at the end of the paragraph as follows:

§ 0.291 Commission organization.

* * * * *

(b) * * *; and (4) approve or prescribe the specific data to be entered on and the computer format and media for, common carrier reports filed pursuant to the provisions of Part 43 of this chapter.

* * * * *

PART 43—[AMENDED]

3. The authority citation for Part 43 continues to read:

Authority: Sec. 4, 48 stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 48 Stat. 1073, 1077, as amended, 47 U.S.C. 211, 219, 220.

4. Section 43.21 is amended by revising the second sentence of paragraph (a) and adding new paragraphs (e) and (f) to read as follows:

§ 43.21 Annual reports of carriers and certain affiliates.

(a) * * * Except as provided in paragraphs (c), (e), and (f) of this section, each annual report required by this section * * *

* * * * * *

(e) Each communications common carrier required by order to file a manual allocating its costs between regulated and nonregulated operations

shall file, no later than December 1 of each year, on computer media prescribed by the Commission, a forecast of regulated and nonregulated use of network plant investment for the following year.

(f) Each local exchange carrier with annual operating revenues of $100 million or more shall file, no later than April 1 of each year, reports showing:

(1) Its revenues, expenses and investment for all accounts established in Part 32 of this chapter, on an operating company basis,

(2) The same Part 32 of this chapter, on a study area basis, with data for regulated and nonregulated operations for those accounts which are related to the carrier's revenue requirement, and

(3) The separations categories on a study area basis, with each category further divided into access elements and a nonaccess interstate category.

6. Section 43.22 is added as follows:

§ 43.22 Quarterly reports of communication common carriers.

Each local exchange carrier with operating revenues for the preceding year of $100 million or more shall file, by March 31, June 30, September 30 and December 31 of each year, a report showing for the previous calendar quarter its revenues, expenses, taxes, plant in service, other investment and depreciation reserves, and such other data as is required by the Commission, on computer media prescribed by the Commission. The total operating results shall be allocated between regulated and nonregulated operations, and the regulated data shall be further divided into the following categories: State and interstate, and the interstate will be further divided into common line, traffic sensitive access, special access and nonaccess.

[FR Doc. 87-22016 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-346; RM-5459 and RM-5661]

Radio Broadcasting Services; Dunedin, Safety Harbor and Coral Cove, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 223C2 for Channel 221A at Safety Harbor, Florida, and modifies the Class A license for Station WXCR(FM), accordingly, at the request of the licensee, Entertainment Communications, Inc. Additionally, Channel 300A is allotted to Coral Cove, Florida, as a first FM service, in response to a counterproposal filed by Marinna Nemes. With this action, this proceeding is terminated.

DATES: Effective November 2, 1987; the window period for filing applications on Channel 300A at Coral Cove, Florida, will open on November 3, 1987, and close on December 3, 1987.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-346, adopted August 6, 1987, and released September 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended for Florida by (1) Adding Channel 223C2 at Safety Harbor; (2) removing Channel 221A at Dunedin; and (3) adding Channel 300A at Coral Cove.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-21990 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-43; RM-5574]

Radio Broadcasting Services; Mountaintop, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of James E. Morgan and Ronald F. Balonis, allocates Channel 246A to Mountaintop, Pennsylvania, as the community's first local FM service. Channel 246A can be allocated in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. Canadian concurrence in the allotment has been received since Mountaintop is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: Effective November 2, 1987; The window period for filing applications will open on November 3, 1987, and closed on December 3, 1987.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-43, adopted August 20, 1987, and released September 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments for Pennsylvania is amended by adding Mountaintop, Channel 246A.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-21981 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-485; RM-5355]

Radio Broadcasting Services; Midland, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 222C for Channel 222C1 at Midland, Texas, and modifies the license of Station KNFM(FM) to specify

operation on the new frequency, at the request of Bakcor Broadcasting, Inc. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 2, 1987.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-485, adopted August 19, 1987, and released September 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended, under Texas, by revising Channel 222C1 to read 222C for Midland.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-21986 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 256 and 257

[Docket No. 70989-7189]

Fishing Vessel Subsidies

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA removes two parts from the Code of Federal Regulations (CFR) pertaining to Federal funding of subsidies for construction of fishing vessels. Federal authority for these projects has expired. The intended effect is to remove extraneous text from the CFR and effect a cost savings for the Agency.

EFFECTIVE DATE: September 23, 1987.

FOR FURTHER INFORMATION CONTACT: Donna D. Turgeon (Fishery Management Officer), 202-673-5315.

SUPPLEMENTARY INFORMATION: This final rule removes Parts 256 and 257 from the CFR which pertain to the availability of Federal subsidies for construction of fishing vessels under the United States Fishing Fleet Improvement Act of 1960.

The Act, which is implemented by Parts 256 and 257, provided for the Secretary to accept applications for subsidies until June 30, 1972. Vessels constructed under this program were bound by their contracts for 15 years. This period ended on September 12, 1986, for the last vessel delivered. Thus, the requirements of the Act have been fulfilled and there is not further need for its implementing regulations.

Parts 256 and 257 are obsolete and ineffective. Removing them from the CFR will save annual publication costs and will have no effect on any person or entity.

Classification

This rule is not a major rule under Executive Order 12291 requiring a regulatory impact analysis because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterpises in domestic or export markets.

The Administrative Procedure Act (APA) (5 U.S.C. 553) requirements of notice and comment and delayed effective date are unnecessary because the requirements of the United States Fishing Fleet Improvement Act of 1960 have been fulfilled and there is no further need for its implementing regulations.

Notice and comment for this rule are not required by the APA or any other law. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act (5 U.S.C. 603).

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act (44 U.S.C. 3501).

List of Subjects

50 CFR Part 256

Fisheries, Fishing vessels, Grant programs—business, Reporting and recordkeeping requirements.

50 CFR Part 257

Administrative practice and procedure, Fisheries, Fishing vessels, Grant programs—business.

Dated: September 17, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR is amended under the authority of 46 U.S.C. 1410 as follows:

PARTS 256 AND 257—[REMOVED]

1. Parts 256 and 257 are removed.

[FR Doc. 87-21918 Filed 9-23-87; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 185
Thursday, September 24, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 340

[Docket No. 87-097]

Genetically Engineered Organisms and Products; Exemption for Interstate Movement of Certain Microorganisms Under Specified Conditions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations pertaining to the introduction of certain genetically engineered organisms and products by exempting from regulation certain genetically engineered microorganisms which are moved interstate under specified conditions. This proposed amendment would remove unnecessary restrictions on the interstate movement of those microorganisms which do not present a risk of plant pest introduction or dissemination.

DATE: Consideration will be given only to written comments postmarked on or before October 26, 1987.

ADDRESS: Send written comments to Terry L. Medley, Director, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hayattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: John Payne, Staff Microbiologist, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7908.

SUPPLEMENTARY INFORMATION: On June 16, 1987, the Animal and Plant Health Inspection Service (APHIS) published a final rule in the **Federal Register** (52 FR 22892-22915) which established a new Part 340 in Title 7 of the Code of Federal Regulations (7 CFR 340) entitled, Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests" (hereinafter "the rule"). The rule regulates the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products which are plant pests or which there is reason to believe are plant pests (regulated articles). The rule sets forth procedures for obtaining a permit for the release into the environment of a regulated article and for obtaining a limited permit for the importation or interstate movement of a regulated article. Such permits are required before a regulated article can be introduced in the United States.

On page 22901 of the preamble to the rule, APHIS stated its intention to exempt from regulation, under certain conditions, the interstate movement of certain microorganisms. APHIS noted in the preamble that there appear to be circumstances under which certain genetically engineered organisms can be moved interstate under conditions which would not present a risk of plant pest dissemination, and for which no permit would be required. The preamble cited as such an example, *Escherichia coli (E. coli)* strain K-12, or other bacterial strains with similar characteristics when used a "container" or "gene library" when genetic material is moved interstate. The preamble also indicated that a unique synthetic nucleotide sequence added as a "marker" for identification of a specific microorganism, when constructed such that there are no open reading frames in any register (i.e. is non-coding), also poses no risk and is completely benign.

This document proposes to amend the rule by exempting the interstate movement of certain genetic material from any plant pest in certain hosts under specified conditions. This proposal does not amend the permit requirements concerning release into the environment or importation. Under the proposed exemption, a limited permit for interstate movement would not be required for genetic material from any plant pest contained in *E. coli* strain K-12, sterile strains of *Saccharomyces cerevisiae*, or asporogenic (non-spore forming) strains of *Bacillus subtilis*, provided all of the following conditions are met:

(i) The microorganisms are shipped in a container that meets the requirements of § 340.6(b)(3) of this part;

(ii) The cloned genetic material is maintained on a non-conjugation proficient plasmid and the host does not contain other conjugation proficient plasmids or generalized transducing phages;

(iii) The cloned material does not include the complete infectious genome of a known plant pest;

(iv) The cloned genes are not carried on an expression vector if the cloned genes code for:

(a) A toxin to plants or plant products, or a toxin to organisms beneficial to plants; or

(b) Other factors directly involved in eliciting plant disease (i.e., cell wall degrading enzymes); or

(c) Substances acting as, or inhibitory to, plant growth regulators.

It appears that genetic material from any plant pest moved interstate under the conditions set forth above, and when moved in *E. coli* strain K-12, sterile strains of *S. cerevisiae*, or asporogenic strains of *B. subtilis* would not present a risk of plant pest introduction or dissemination.

The three organisms, *E. coli* strain K-12, sterile strains of *S. cerevisiae* and asporogenic strains of *B. subtilis*, are included in this proposed exemption after review of their biosafety record for recombinant DNA research. These microorganisms have been evaluated over a number of years, and their safety has been demonstrated for recombinant DNA research. These organisms have been certified as hosts for recombinant DNA research by the Recombinant DNA Advisory Committee (RAC) of the National Institutes of Health (NIH). Further, biosafety issues for these organisms have been addressed in various volumes of the proceedings of the NIH RAC entitled "Documents Relating to the NIH Guidelines for Research Involving Recombinant DNA Molecules", and other safety data is available in the *Journal of Infectious Diseases* 137(5):613-709 (1978). These publications include safety data for health and the environment and include results of experiments to assess the potential fate of the microorganisms in the environment, in the event of accidental release. In addition to the

substantial data available from the RAC, APHIS has independently reviewed the pertinent scientific literature.

The rationale for imposing conditions (i)–(iv) above is as follows: (1) Requiring that the microorganisms be shipped in a container that meets the requirements of § 340.6(b)(3) of this part ensures that the microorganisms are adequately physically contained during interstate movement. Furthermore, such container requirements are simply sound and prudent measures that should be employed when shipping microorganisms between laboratories. (2) Requiring that the cloned genetic material be maintained on a non-conjugation proficient plasmid and that host organism does not contain other conjugation proficient plasmids or generalized transducing phages, ensures that in the event of an accidental release, the risk of horizontal movement (the transfer of genetic material between organisms) of the genetic material is negligible. (A conjugation proficient plasmid is a replicating non-chromosomal DNA molecule that promotes the transfer of genetic information from one bacterium to another during cell to cell contact. A generalized transducing phage is a bacterial virus capable of transferring non-specific DNA sequences between bacteria.) (3) The condition that the cloned material not include the complete infectious genome of a plant pest ensures that such genetic material would not be able to incite plant disease. (4) The requirement that certain classes of cloned genes not be carried on an expression vector, and thus not be expressed in the host, ensures that the host does not itself become a plant pest. In short, APHIS believes that when plant pest genetic material is moved interstate under the conditions set forth above, this would provide adequate safeguards which would prevent the introduction and dissemination of plant pests.

APHIS solicits credible data that would establish that there are other bacterial or fungal strains, in addition to *E. coli* strain K–12, sterile strains of *S. cerevisiae*, or asporogenic strains of *B. subtilis*, that would not present a risk of plant pest introduction or dissemination when used as a host for plant pest genetic material, under specified conditions.

Lastly, it should be noted that it has not been necessary for APHIS to include language in this proposed rule that would exempt non-coding synthetic nucleotide sequences that are used as "markers". A non-coding nucleotide sequence produced *de novo* (not made from a preexisting sequence) by synthetic means is not a regulated article as defined in § 340.1 of the rule because such sequence would not be an organism and would not be from an organism.

APHIS proposes to amend the rule by changing the title of § 340.2 to read, "Groups of organisms which are or contain plant pests and exemptions." The existing list of organisms in § 340.2 would be listed under a new paragraph (a) entitled, "*Groups of organisms which are or contain plant pests*" and a new paragraph (b) entitled, "*Exemptions*" would be added which includes the proposed exemption.

Definitions

APHIS is also proposing to add the following definition of the term "expression vector" in § 340.1 so that this term will be readily distinguished from the term "vector."

Expression vector. A cloning vector designed so that a coding sequence inserted at a particular site will be transcribed and translated into protein.

Executive Order 12291 and Regulatory Flexibility Act

This proposed rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that the proposed rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The effect of this proposed rule would be to exempt a person from having to obtain a limited permit when certain genetic material from a plant pest is moved interstate in certain microorganisms in accordance with specified conditions. Currently, such a limited permit requires the submission of data about the nature of the organism, how it was produced, and a description of the contained facility at destination. Such data should already be available to the researcher. The proposal would relieve a person from having to submit an application to APHIS for a limited permit, which would result in a savings of the time which would ordinarily be associated with the preparation of such a permit application. Therefore, the deletion of the requirement to submit the data to obtain a limited permit should not have a significant economic impact on a substantial number of small entities.

The conditions that would have to be complied with under the proposed exemption, are those that a researcher would normally employ when using these microorganisms as gene libraries, with the exception of not being able to ship genes that code for substances harmful to plants or organisms beneficial to plants. If such types of genetic material were shipped in these microorganisms, the proposed exemption would not apply, and a limited permit would have to be obtained. It is expected that this exemption will affect at least several thousand research scientists, some of whom may be operating small businesses which would be deemed "small entities" under the Regulatory Flexibility Act. The proposed regulation would exempt them from the requirement of having to obtain a limited permit under the circumstances described above.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed rule contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

List of Subjects in 7 CFR Part 340

Agricultural Commodities, Biotechnology, Genetic engineering, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 340—INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING WHICH ARE PLANT PESTS OR WHICH THERE IS REASON TO BELIEVE ARE PLANT PESTS

Accordingly, it is proposed to amend 7 CFR Part 340 as follows:

1. The authority citation for Part 340 would continue to read as follows:

Authority: 7 U.S.C. 150aa–150jj, 151–167, 1622n; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(c).

§ 340.1 [Amended]

2. Section 340.1 would be amended by adding the following definition of "*Expression vector*" in alphabetical order to the list of existing terms:

Expression vector. A cloning vector designed so that a coding sequence inserted at a particular site will be transcribed and translated into protein.

§ 340.2 [Amended]

3. The heading for § 340.2 "Groups of organism which are or contain plant pests" would be amended to read "Groups of organisms which are or contain plant pests and exemptions."

4. In § 340.2, at the beginning of the introductory text, a new paragraph heading would be added to read "(a) *Groups of organisms which are or contain plant pests:*"

5. In § 340.2 at the end of the text, a new paragraph (b) would be added as follows:

(b) *Exemptions.*

(1) A limited permit for interstate movement shall not be required for genetic material from any plant pest contained in *Escherichia coli* strain K-12, sterile strains of *Saccharomyces cerevisiae,* or asporogenic strains of *Bacillus subtilis,* provided that all of the following conditions are met:

(i) The microorganisms are shipped in a container that meets the requirements of § 340.6(b)(3) of this part;

(ii) The cloned genetic material is maintained on a non-conjugation proficient plasmid and the host does not contain other conjugation proficient plasmids or generalized transducing phages;

(iii) The cloned material does not include the complete infectious genome of a known plant pest;

(iv) The cloned genes are not carried on an expression vector if the cloned genes code for:

(A) A toxin to plants to plant products, or a toxin to organisms beneficial to plants; or

(B) Other factors directly involved in eliciting plant disease (i.e., cell wall degrading enzymes); or

(C) Substances acting as, or inhibitory to, plant growth regulators.

Done in Washington, DC, this 21st day of September, 1987.

D. Husnik,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 87-22083 Filed 9-23-87; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 15 and 2002

[Docket No. R-87-1348; FR-2362]

The Freedom of Information Reform Act of 1986; Fee Schedule and Fee Waiver Regulations

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends HUD regulations governing fees charged for services incurred in response to Freedom of Information Act requests.

This proposed rule would implement certain provisions of the Freedom of Information Reform Act of 1986 (Pub. L. 99-570) which require agencies to publish a schedule of fees to be charged and procedures to be followed in processing requests for records and requests for waiver or reduction of fees under the Freedom of Information Act.

DATES: Comment due date: October 26, 1987.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David [illegible], Assistant General [illegible] Administrative Law, Office of General Counsel, Room 10254, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone (202) 755-7137. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: HUD is publishing for public notice and comment a proposed schedule of fees and procedures to be followed under the Freedom of Information Act. As required by the Freedom of Information Reform Act of 1986, HUD has developed these rules in conformity with the Uniform Freedom of Information Act Fee Schedule and Guidelines published by the Office of Management and Budget on March 27, 1987 (52 FR 10012).

Findings and Certifications

This rule is not subject to environmental review under the Department's procedures set out in 24 CFR Part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. Under 24 CFR 50.20(k), internal administrative procedures are categorically excluded from NEPA requirements.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation, issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises in domestic or export markets.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, since its effect is limited to details of agency procedure.

This rule was not listed on the Department's Semiannual Agenda of Regulations published on April 27, 1987 (52 FR 14362) under Executive Order 12291 and the Regulatory Flexibility Act.

This rule does not affect any program included in the Catalog of Federal Domestic Assistance Programs.

List of Subjects in 24 CFR Parts 15 and 2002

Classified information, Freedom of information, Testimony, Production and disclosure of material or information by HUD employees.

For the reasons set out in the preamble, 24 CFR Subtitle A and Chapter XII are proposed to be amended as follows:

PART 15—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

1. The authority citation for 24 CFR Part 15 would be revised to read as follows:

Authority: Freedom of Information Act (5 U.S.C. 552); Freedom of Information Reform Act of 1986 (Pub. L. 99-570); sec. 7(d) of the Department of Housing and Urban Development Act (43 U.S.C. 3535(d)).

2. Subparts C, D, and E of the Table of Contents for Part 15 would be revised to read as follows:

* * * * *

Subpart C—Procedures for Assessing and Collecting Fees

Sec.
15.14 Fees.
15.15 Fees to be charged—categories of requesters.
15.16 Review of records, aggregating requests and waiving or reducing fees.
15.17 Charges for interest and for unsuccessful searches; Utilization of Debt Collection Act.
15.18 Advance payments.

Subpart D—Exemptions

15.21 Exemptions authorized by 5 U.S.C. 552.

Subpart E—Procedures for Requesting Access and Obtaining Records

15.31 Information centers.
15.32 Information officers.
15.33 Material in Department Central Information Center.
15.41 Requests for records.
15.42 Time limitations.

* * * * *

3. Section 15.14 would be revised, and new §§ 15.15 through 15.18 would be added, to read as follows:

§ 15.14 Fees.

(a) *Copies of records.* HUD will charge $0.10 per page for copies of documents up to 11"×14". For copies prepared by computer, such as tapes or printouts, HUD will charge the actual costs, including operator time, of production of the tape or printout. For other methods of reproduction or duplication, HUD will charge the actual direct costs of producing the document(s).

(b) *Manual searches for records.* Whenever feasible, HUD will charge at the salary rate(s) (*i.e.*, basic pay plus 16 percent) of the employee(s) making the search. However, where a homogeneous class of personnel is used exclusively in a search (*e.g.*, all administrative/clerical, or all professional/executive), HUD will charge $9.25 per hour for clerical time and $18.50 per hour for professional time. Charges for search time less than a full hour will be billed by five-minute (1⅓ of one hour) segments.

(c) *Computer searches for records.* HUD will charge at the actual direct cost of providing the service. This will include the cost of operating the central processing unit (CPU) for that portion of operating time that is directly attributable to searching for records responsive to a FOIA request and operator/programmer salary apportionable to the search.

(d) *Contract services.* HUD will contract with private sector sources to locate, reproduce and disseminate records in response to FOIA requests when that is the most efficient and least costly method. When doing so, however, HUD will ensure that the ultimate cost to the requester is no greater than it would be if HUD itself had performed these tasks. In no case will HUD contract out responsibilities which the FOIA provides that HUD alone may discharge, such as determining the applicability of an exemption, or determining whether to waive or reduce fees. HUD will ensure that when documents that would be responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs such as the National Technical Information Service, HUD will inform requesters of the steps necessary to obtain records from those sources. Information provided routinely in the normal course of business will be provided at no charge.

(e) *Restrictions on assessing fees.* With the exception of requesters seeking documents for commerical use, HUD will provide the first 100 pages of duplication and the first two hours of search time without charge. For noncommercial use requesters, HUD will not begin to assess fees until after HUD has provided the free search and reproduction. No charge will be assessed non-commerical use requesters when the search time and reproduction costs, over and above the free search time and reproduction allocation, totals no more than $5.00. For commercial use requester, no charge will be asessed when the search time, reproduction and review costs total no more than $5.00. "Search time" in this context is based on *manual search.* To apply this term to searches made by computer, HUD will determine the hourly cost of operating the central processing unit and the operator's hourly salary plus 16 percent. When the cost of the search (including the operator time and the cost of operating the computer to process a request) equals the equivalent dollar amount of two hours of the salary of the person performing the search, *i.e.*, the operator, HUD will begin assessing charges for computer search.

(f) *Payment of fees.* Payment of fees under this section and under § 15.16(a) shall be made in cash or by U.S. money order or by certified bank check payable to the Treasurer of the United States. The fees shall be sent to the organizational unit within HUD responding to the request.

(g) *Definitions.* As used in this subpart:

(1) "Direct costs" means those expenditures which HUD actually incurs in searching for and duplicating (and, in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing work (the basic rate of pay for the employees plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery. Not incuded in direct costs are overhead expenses such as costs of space, and heating or lighting the facility in which the records are stored.

(2) "Search" includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. Such activity is distinguished from "review" of material in order to determine whether the material is exempt from disclosure.

(3) "Duplication" means the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others.

(4) "Review" means the process of examining a document located in response to a request that is for a commercial use to determine whether any portion of it may be withheld, excising portions to be withheld and otherwise preparing the document for release. "Review" does not include time spent resolving general legal or policy issues regarding the application of exemptions.

§ 15.15 Fees to be charged—categories of requesters.

There are four categories of FOIA requesters: commercial use requesters; educational and non-commercial scientific institutions; representatives of the news media; and all other requesters. Specific levels of fees are prescribed for each of these categories:

(a) *Commercial use requesters.* (1) HUD will assess charges which recover the full direct costs of searching for, reviewing for release, and duplicating

records sought for commercial use. Requesters must reasonably describe the records sought. Commercial use requesters are not entitled to two hours of free search time or 100 free pages of reproduction of documents.

(2) "Commercial use" refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, HUD must determine the use to which a requester will put the documents requested. Moreover, where HUD has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, HUD will seek additional clarification before assigning the request to a specific category.

(b) *Educational and non-commercial scientific institution requesters:* (1) HUD will provide documents to educational and non-commercial scientific institutions for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, requesters must show that the request is being made as authorized by and under the auspices of a qualifying institution and that the records are not sought for a comemrcial use, but are sought for furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research. Requesters must reasonably describe the records sought.

(2) "Educational institution" means a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education and an institution of vocational education, which operates a program or programs of scholarly research.

(3) "Non-commercial scientific institution" means an institution that is not operated on a "commercial" basis as that term is referenced in § 15.15(a) and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(c) *Requesters who are representatives of the news media.* (1) HUD will provide documents to representatives of the news media for the cost of reproduction alone, excluding charges for the first 100 pages. In reference to this class of requester, a request for records supporting the news dissemination function of the requester shall not be considered to be a request that is for a commercial use. Requesters must reasonably describe the records sought.

(2) "Representative of the news media" means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. "Freelance" journalists may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but HUD may also look to the past publication record of a requester in making this determination.

(d) *All other requesters.* HUD will charge requesters who do not fit into any of the categories above fees which recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. Requests from subjects for records about themselves filed in agencies' systems of records will continue to be treated under the fee provisions of the Privacy Act of 1974 which permit fees only for reproduction. Requesters must reasonably describe the records sought.

§ 15.16 Review of records, aggregating requests and waiving or reducing fees.

(a) *Review of records.* Only requesters who are seeking documents for commercial use may be charged for time HUD spends reviewing records to determine whether they are exempt from mandatory disclosure. Charges may be assessed only for the *initial* review; *i.e.*, the review undertaken the first time HUD analyzes the applicability of a specific exemption to a particular record or portion of a record. HUD will not charge for review at the administrative appeal level of an exemption already applied. However, records or portions of records withheld in full under an exemption which is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs for such a subsequent review would be properly assessable. Review time will be assessed at the same rates established for search time in § 15.14.

(b) *Aggregating requests.* A requester may not file multiple requests at the same time, each seeking portions of a document or documents, solely in order to avoid payment of fees. When HUD reasonably believes that a requester or a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees HUD may aggregate any such requests and charge accordingly.

(c) *Waiving or reducing fees.* HUD will furnish documents without charge or at reduced charge if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Six factors shall be used in determining whether the requirements for a fee waiver or reduction are met. These factors are as follows:

(1) *The subject of the request:* Whether the subject of the requested records concerns "the operations or activities of the government";

(2) *The informative value of the information to be disclosed:* Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(3) *The contribution to an understanding of the subject by the general public likely to result from disclosure:* Whether disclosure of the requested information will contribute to "public understanding";

(4) *The significance of the contribution to public understanding:* Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities;

(5) *The existence and magnitude of a commercial interest:* Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(6) *The primary interest in disclosure:* Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." The official authorized to grant access to records may waive or reduce the applicable fee where requested. The determination not to waive or reduce the fee will be subject to administrative

review as provided in $15.61 after the decision on the request for access has been made.

§15.17 Charges for interest and for unsuccessful searches; utilization of Debt Collection Act.

(a) *Charging interest.* HUD will begin assessing interest charges on an unpaid bill starting on the 31st day following the day on which the billing was sent. A fee received by HUD, even if not processed, will suffice to stay the accrual of interest. Interest will be at the rate prescribed in section 3717 of Title 31 U.S.C. and will accrue from the date of the billing.

(b) *Charge for unsuccessful search.* Ordinarily no charge for search time will be assessed when the records requested are not found or when the records located are withheld as exempt. However, if the requester has been notified of the estimated cost of the search time and has been advised specifically that the requested records may not exist or my be withheld as exempt, fees shall be charged.

(c) *Use of Debt Collection Act of 1982.* When a requester has failed to pay a fee charged in a timely fashion (*i.e.*, within 30 days of the date of the billing), HUD may, under the authority of the Debt Collection Act and Part 17, Subpart C of this title, use consumer reporting agencies and collection agencies, where appropriate, to recover the indebtedness owed the Department.

§ 15.18 Advance payments.

(a) HUD may not require a requester to make an advance payment, *i.e.*, payment before work is commenced or continued on a request, unless:

(1) HUD estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250. Then, HUD will notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(2) Where a requester has previously failed to pay a fee charged in a timely fashion (*i.e.*, within 30 days of the date of the billing), HUD may require the requester to pay the full amount owed plus any applicable interest as provided by §15.17(a) or demonstrate that he has, in fact, paid the fees, and to make an advance payment of the full amount of the estimated fee before HUD begins to process a new request or a pending request from that requester.

(b) When HUD acts under paragraphs (a)(1) or (a)(2) of this section, the administrative time limits prescribed in subsection (a)(6) of the FOIA (*i.e.*, 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extension of these time limits) will begin only after HUD has received fee payments described above.

(c) Where it is anticipated that either the duplication fee individually, the search fee individually, or a combination of the two exceeds $25.00 over and above the free search time and duplication costs, where applicable, and the requesting party has not indicated in advance a willingness to pay so high a fee, the requesting party shall be promptly informed of the amount of the anticipated fee or such portion thereof as can readily be estimated. The notification shall offer the requesting party the opportunity to confer with agency representatives for the purpose of reformulating the request so as to meet that party's needs at a reduced cost.

PART 2002—AVAILABILITY OF INFORMATION TO THE PUBLIC

4. HUD proposes to include in its final rule comparable amendments for the HUD Inspector General's regulations governing availability of information to the public, 24 CFR Part 2002.

Dated: July 28, 1987.

Samuel R. Pierce, Jr.,

Secretary.

[FR Doc. 87-22094 Filed 9-23-87; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 1223-87]

Organization of the Department of Justice

AGENCY: Department of Justice.

ACTION: Proposed rulemaking.

SUMMARY: The Department of Justice proposes to amend § 0.34(c) of Title 28 of the Federal Regulations which concerns the function and membership of a policy advisory group for INTERPOL-United States National Central Bureau. The proposed change would create a Management Policy Group with discretion to convene an advisory group.

DATE: Comments must be received on or before October 26, 1987.

ADDRESS: Please submit written comments to: Richard C. Stiener, Chief, INTERPOL-United States National Central Bureau, U.S. Department of Justice, Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: Mary Jo Grotenrath, General Counsel, United States National Central Bureau, U.S. Department of Justice, Washington, DC 20530. Phone Number: (202) 272-8383. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The initial policy advisory group was structured in a manner perceived to be the most efficient and effective means of reviewing and developing INTERPOL programs and policies at the time. In actual practice over the years, responsibility for the INTERPOL programs came to be centered in what is known as the Management Policy Group which is identified in greater detail subsequently herein. Accordingly, the original structure and composition of the advisory group no longer adequately fulfills the anticipated needs.

The designated Management Policy Group with the discretion to convene an advisory group offers a more efficient and effective method of reviewing the developing INTERPOL programs and policies.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant impact on a substantial number of small business entities. It is not a major rule within the meaning of Executive Order No. 12291.

List of Subjects in 28 CFR Part 0

Administrative practice and procedure.

Accordingly, it is proposed to amend 28 CFR Part 0 as follows:

PART 0—[AMENDED]

1. The authority citation for Part 0 continues to read as follows:

Authority: 5 U.S.C. 301, 2303, 8 U.S.C. 1103, 1427(g); 15 U.S.C. 644(k); 18 U.S.C. 2254, 4001, 4041, 4042, 4044, 4082, 4201 *et. seq.*, 6003(b); 21 U.S.C. 871, 881(d), 904; 22 U.S.C. 263a, 1621-1645o, 1622 note; 28 U.S.C. 509, 510, 515, 524, 542, 543, 552, 552a, 569, 31 U.S.C. 1108; 50 U.S.C. App. 2001-2017p; Pub. L. 91-513, sec. 501; EO 11919; EO 11267; EO 11300.

§ 0.34 [Amended]

2. Paragraph (c) of § 0.34 is amended to read as follows:

* * * * *

(c) Serve as a member of a Management Policy Group to review and develop INTERPOL programs and policies. This Management Policy Group will include as well the designee of the Attorney Genetral, who is the United

States representative to INTERPOL, and the designee of the Secretary of the Treasury who is the alternate representative to INTERPOL. The Attorney General's designee and the Secretary of the Treasury's designee may expand the Management Policy Group to include any U.S. Government official serving as an elected officer to INTERPOL, e.g., President, Vice President or Executive Committee Member. The Management Policy Group, at its discretion, may convene as advisory group comprised of the heads of the agencies or offices which are participating members of the United States National Central Bureau (USNCB), as necessary, to assist in the review and development of INTERPOL programs and policies. The Attorney General's designee representing the Department of Justice and the Secretary of the Treasury's designee representing the Department of the Treasury may submit any matter regarding INTERPOL-USNCB leadership or organizational placement within the Department of Justice to the Advisory Group for resolution by a majority decision.

* * * * *

Dated: September 14, 1987.

Edwin Meese III,

Attorney General.

[FR Doc. 87-22009 Filed 9-23-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 887

Military Personnel; Issuing Certificates in Lieu of Lost or Destroyed Certificates of Separation

AGENCY: Department of the Air Force, Defense.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force is amending its regulations by revising Part 887, Issuing of Certificates in Lieu of Lost or Destroyed Certificates of Separation. This regulation tells who may apply for a certificate in lieu of a lost or destroyed certificate of separation and where and how to apply. This revision provides additional information and makes minor changes to update and to clarify the part.

DATE: Comments must be submitted on or before October 26, 1987.

ADDRESS: HQ AFMPC/DPMDOP, Randolph AFB, Texas 78150-6001.

FOR FURTHER INFORMATION CONTACT: Mr. Sal Garcia, telephone (512) 652-2089.

SUPPLEMENTARY INFORMATION: The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12291, is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

List of Subjects in 32 CFR Part 887

Archives and records, Military personnel.

Therefore, 32 CFR Part 887 is proposed to be revised as follows:

PART 887—ISSUING OF CERTIFICATES IN LIEU OF LOST OR DESTROYED CERTIFICATES OF SEPARATION

Sec.

Authority: 10 U.S.C. 1041.

§ 887.0 Purpose.

This part tells who may apply for a certificate in lieu of a lost or destroyed certificate of separation. It explains where and how to apply. It implements 10 U.S.C. 1041 and DOD Instruction 1332.13, December 23, 1968. This publication applies to ANG and USAFR members. It authorizes collection of information protected by the Privacy Act of 1974. The authority to collect the information is Title 10, U.S.C. 8912 and Executive Order 9397. Each form used to collect personal information has an associated Privacy Act Statement that will be given to the individual before information is collected. System of records notice F035 AF MP C, Military Personnel Records System, applies.

§ 887.1 Explanation of terms.

(a) *Certificate in lieu (CIL).* A certificate issued in lieu of a lost or destroyed certificate of service, discharge, or retirement.

(b) *Service person.* One who:

(1) Is currently serving as a member of the Air Force; or

(2) Formerly served in the active military service as a member of the Air Force and all military affiliation was terminated after September 25, 1947.

(c) *Surviving spouse.* A survivor who was legally married to a member of the service at the time of the member's death.

(d) *Guardian.* A person or group of persons legally placed in charge of the affairs of a service member adjudicated mentally incompetent.

§ 887.2 Safeguarding certificates.

Certificates of separation are important personal documents. Processing applications for CILs is costly to the Air Force. To keep requests for CILs at a minimum:

(a) Personnel officers will tell members of the importance of safeguarding the original certificates.

(b) Persons who issue CILs will type or stamp across the lower margin "THIS IS AN IMPORTANT RECORD—SAFEGUARD IT" (if it is not printed on the certificate).

Note.—Do not show this legend on DD Form 363AF, Certificate of Retirement.

§ 887.3 Persons authorized CILs.

CILs may be issued only to:

(a) A service member whose character of service was honorable or under honorable conditions.

(b) A surviving spouse.

(c) A guardian, when a duly certified or otherwise authenticated copy of the court order of appointment is sent with the application.

§ 887.4 Requesting CILs.

(a) Standard Form 180 (SF 180), Request Pertaining to Military Records, should be used by persons who had service as shown in § 887.3(a). However, a letter request, with sufficient identifying data and proof that the original certificate of separation was lost or destroyed, may be used. Members on active duty will forward their applications through their unit commander.

(b) SF 180, or any similar form used by agencies outside the Department of Defense, will be used by persons shown in § 887.3 (b), (c), and § 887.7.

Note.—Persons authorized CILs may be assisted in their request by the Customer Service Unit (DPMAC) in the consolidated base personnel office.

§ 887.5 Issuing CILs.

The issuing authority makes sure that the proper CIL form is issued, particularly if the service member has had service in both the Army and Air Force. The assignment status as of September 26, 1947 determines if the person was in the Army or Air Force at the time of discharge or release from active duty. Separations that took place

on or before September 25, 1947 are considered Army separations. Those that took place on or after September 26, 1947 are considered Air Force separations, unless the records clearly show the person actually served as a member of the Army during the period of service for which the CIL is requested. Individuals indicated in § 887.3 may be issued CILs prepared on one of the following forms:

(a) DD Form 303AF, Certificate in Lieu of Lost or Destroyed Discharge, is used to replace any lost or destroyed certificate of discharge from the Air Force.

(b) DD Form 363AF, Certificate of Retirement, is used to replace any lost or destroyed certificate of retirement from the Air Force (issued only to service members).

(c) AF Form 386, Certificate in Lieu of Lost or Destroyed Discharge (AUS), is used to replace any lost or destroyed certificate of discharge from the Army.

(d) AF Form 681, Certificate in Lieu of Lost or Destroyed Certificate of Service (AUS), is used to replace any lost or destroyed certificate of service, or like form, issued on release from extended active duty (EAD) in the Army.

(e) AF Form 682, Certificate in Lieu of Lost or Destroyed Certificate of Service (USAF), is used to replace any lost or destroyed certificate of service, or like form, issued on release from EAD in the Air Force.

§ 887.6 Who must sign CILs.

(a) DD Form 363AF must be signed by a general officer or colonel.

(b) All other CILs must be signed by a commissioned officer, NCO in grade of master sergeant or above, or a civilian in grade GS–7 or above.

§ 887.7 Persons separated under other than honorable conditions (undesirable or bad conduct) or dishonorable discharge.

Those persons whose character of service was under other than honorable conditions or dishonorable are not eligible for CILs. However, an official photocopy of the report of separation or certificate of discharge (DD Form 214, Certificate of Release or Discharge From Active Duty, or equivalent form), if available, may be sent on written request of the member.

(a) On the DD Forms 214 issued before October 1, 1979, the following items will be masked out before a photocopy is sent out:

(1) Specific authority for separation.

(2) Narrative reason for separation.

(3) Reenlistment eligibility code.

(4) SPD or separation designation number (SDN).

(b) For DD Forms 214 issued after October 1, 1979, send one copy with the Special Additional Information Section, and one copy without it.

(c) If a report of separation is not available, furnish a brief official statement of military service. Use the letterhead stationery of the issuing records custodian. File copy of the statement in the master personnel record (MPerR).

(d) If (obsolete form) DD Form 258AF, Undesirable Discharge Certificate, has been issued, it may be replaced with DD Form 794AF, Discharge Under Other Than Honorable Conditions.

(e) A $4.25 fee may be charged for issuing a document under this section, with the exception of paragraph (d) of this section.

§ 887.8 Where to apply for certificates.

(a) For DD Form 363AF: Headquarters, Air Force Military Personnel Center, Officer Actions Branch (HQ AFMPC/DPMDOO), Randolph AFB TX 78150–6001, for officers; and Headquarters, Air Force Military Personnel Center, Analysis and Certification Section (HQ AFMPC/DPMDOA2), Randolph AFB TX 78150–6001, for enlisted members. Applicants must attach a copy of the retirement order to SF 180 or letter.

(b) All other certificates:

(1) HQ AFMPC/DPMDOO for officers, and HQ AFMPC/DPMDOA2, for enlisted members, Randolph AFB TX 78150–6001 for:

(i) Members on EAD or on the temporary disability retired list (TDRL).

(ii) General officers in retired pay status.

(2) National Personnel Records Center, Military Personnel Records—Air Force (NPRC/MPR–AF), 9700 Page Boulevard, St. Louis MO 63132, for officers and enlisted members:

(i) Completely separated from the Air Force or Air National Guard.

(ii) In a retired pay status, except general officers.

(iii) In the retired Reserve who cannot become eligible for retired pay.

(3) Headquarters, Air Reserve Personnel Center, Reference Services Branch (HQ ARPC/DSMR), Denver CO 80280–5000, for Air National Guard and Air Force Reserve officers and enlisted members not on EAD, including retired Reserve who will be eligible for retired pay at age 60.

§ 887.9 Furnishing photocopies of documents.

This part does not prohibit authorities (see § 887.8) from supplying photocopies of certificates of service, reports of separation, or similar documents. Agencies that provide copies of DD Form 214 (or their equivalent) will conspicuously affix an "official" seal or stamp on them to indicate that these documents are copies made from official United States Air Force military personnel records.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87–22011 Filed 9–23–87; 8:45 am]

BILLING CODE 3910–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL–3265–8]

Ocean Dumping; Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate a dredged material disposal site located offshore of San Juan Harbor, Puerto Rico for the disposal of dredged material removed from San Juan Harbor and vicinity. This action is necessary to provide, an acceptable ocean dumping site for the current and future disposal of this material. This proposed site designation is for an indefinite period of time, but the site is subject to continuing monitoring to insure that unacceptable adverse environmental impacts do not occur.

DATE: Comments must be received on or before November 9, 1987.

ADDRESSES: Send comments to: Mario Del Vicario, Chief, Marine and Wetlands Protection Branch, EPA Region II, 26 Federal Plaza, New York, NY 10278.

The file supporting this proposed rulemaking is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, DC 20460

EPA Region II Library, Room 402, 26 Federal Plaza, New York, NY 10278

EPA Region II, Caribbean Field Office, Office 2A, Podiatry Center Building, 1413 Fernandez Juncos Avenue, Santurce, Puerto Rico 00907

FOR FURTHER INFORMATION CONTACT: Mario Del Vicario, 212–264–5170.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401

et seq. ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On October 1, 1986, the administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This site designation is being made pursuant to the authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by promulgation in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and was extended on August 19, 1985 (50 FR 33338). That list established the San Juan site as an interim site and extended its period of use until July 31, 1988, or until final rulemaking is completed, whichever is sooner. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the address given above.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* ("NEPA") requires that Federal agencies prepare an environmental impact statement (EIS) on proposals for major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designations such as this (39 FR 16186, May 7, 1974).

On August 13, 1982, a notice of availability of the draft EIS for public review and comment was published in the **Federal Register** (47 FR 35335). The public comment period on this draft EIS closed September 27, 1982. On February 4, 1983, a notice of availability of the final EIS for public review and comment was published in the **Federal Register** (48 FR 5308). The public record on the final EIS closed March 7, 1983.

The final EIS includes the Agency's assessment of the comments received during the comment period on the draft EIS. Comments correcting facts were incorporated into the text and the changes were noted in the final EIS. Specific comments which could not be appropriately treated as text modifications were addressed point by point. Both comments and responses are found in Appendix D of the final EIS.

Primary commenters on the draft EIS were the U.S. Army Corps of Engineers and the Commonwealth of Puerto Rico's Environmental Quality Board and Department of Natural Resources. The Corps of Engineers noted that the draft referred only to maintenance dredging from existing projects. EPA corrected this oversight in the final EIS. The proposed rule would allow disposal of dredged material from new projects as well as existing ones. Comments received from the Environmental Quality Board and the Department of Natural Resources noted that the endangered West Indian manatee has been sighted off the northeastern coast of Puerto Rico. This observation was included in the final EIS. However, no manatees have recently been seen at the site and their passage through the site, if this were to occur, would be short and infrequent. The Department of Natural Resources expressed concern that dumping at the site would introduce toxic wastes into a commercial fishery area inshore of the dump site. Previous monitoring surveys, together with current data, indicate that as a result of the prevailing coastal current system, migrating pollutants are distributed in an east-west and offshore direction away from inshore fishery areas. In addition, elutriate studies using harbor sediments indicate that trace metal contaminant concentrations, after initial dilution, do not exceed EPA chronic marine Water Quality Criteria (WQC). Therefore, it is unlikely that the dredged material disposal activities in conjunction with the coastal patterns would adversely impact inshore commercial fishing areas.

One comment was received on the final EIS. The Corps of Engineers recommended that the interim site be designated for continuing use. The proposed rule reflects acceptance of this comment.

Dredged material from new projects may be dumped at this site upon completion of an appropriate case-by-case evaluation of the impact of such material on the site. This analysis must demonstrate that the impact will be acceptable. EPA plans to monitor ambient quality trends at the site and in adjacent areas to ensure that unacceptable levels of toxic constituents are not transported outside of the site. Additional monitoring of impacts would be required if dredging volumes or characteristics of the dredged materials are changed significantly to assure that adverse effects on the ecosystem do not develop. Should monitoring surveys indicate that transport outside of the site is occurring, appropriate measures to modify or withdraw site designation are available to the Agency.

Based upon the information reported in the EIS, EPA propose to designate the existing San Juan Harbor site for continuing use for the ocean disposal of dredged material where applicants have demonstrated compliance with EPA's ocean dumping criteria. The EIS is available for inspection at the addresses given above.

EPA has initiated a Coastal Zone Management consistency determination with the Commonwealth of Puerto Rico. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service have concurred with EPA's conclusion that the designation of this dredged material disposal site will not affect the endangered species under their jurisdiction.

The action discussed in the EIS is the designation for continuing use of an ocean disposal site for dredged material located in the Atlantic Ocean in the vicinity of San Juan Harbor. The EIS discusses the need for the action and examines ocean disposal site alternatives to the proposed action. The purpose of the designation is to provide an environmentally acceptable location for the ocean disposal of materials dredged from the Port of San Juan and nearby coastal areas. The appropriateness of ocean disposal is determined on a case-by-case basis as part of the process of issuing permits for ocean disposal.

The EIS presents the information needed to evaluate the suitability of ocean disposal areas for final designation and is based on one of a series of disposal site environmental studies. The environmental studies and final designation process are being conducted in accordance with the requirements of the Act, the Ocean Dumping Regulations, and other applicable Federal environmental legislation.

C. Site Designation

The proposed site is a rectangle located approximately 2.2. nautical miles north-northwest of the entrance to San Juan Harbor, with the following coordinates:

18d 30'10" N, 066d 09'31" W;
18d 30'10" N, 066d 08'29" W;
18d 30'10" N, 066d 08'29" W;
18d 30'10" N, 066d 09'31" W.

The site occupies an area of approximately one square nautical mile, and water depths within this area range from 200 to 400 meters. Disposal operations at the site began in 1974.

All of the dredged materials disposed at the designated site will be from dredging operations in the Port of San Juan, Puerto Rico and coastal areas within 20 miles of the Port entrance. The total amount of dredged material dumped at the site since 1974 has been approximately 4.3 million cubic yards. Maximum quantities of dredged material to be disposed at this site are to be determined by both EPA and the Corps of Engineers. If at any time disposal operations at the site cause unacceptable adverse impacts, further use of the site will be restricted or terminated.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at an interim site cause unacceptable adverse impacts, further use of the site will be terminated as soon as suitable alternative disposal sites can be designated. These general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations and § 228.6 lists 11 specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

The location of the disposal site has been chosen to minimize the interference of disposal activities with other activities in the marine environment. The site is not located in major shipping lanes. While there is potential for oil and gas exploration in the area, no serious conflict with such activities is expected. Coordination with future leasing activities should effectively avoid potential conflicts [Section 228.5(a)]. Temporary perturbations in water quality from dredged material disposal can be expected to return to ambient levels before reaching any beach, shoreline or known geographical limited fishery or shellfishery [Section 228.5(b)]. Based upon disposal site evaluation studies presented in the EIS, the site proposed for designation (interim site) satisfies the criteria for site selection set forth in §§ 228.5–228.6 [Section 228.5(c)]. The disposal site has been limited in size in order to localize, for identification and control, any immediate adverse impacts and to facilitate the implementation of an effective monitoring and surveillance program to prevent adverse long range impacts [Section 228.5(d)]. The location of the site satisfies the statutory preference for sites located off the Continental Shelf, where feasible [Section 228.5(e)]. EPA established the 11 specific factors [Section 228.6] to constitute an environmental assessment of the impact of disposal at the site. The criteria are used to make comparisons between the alternative sites and are the basis for final site selection. The characteristics of the existing site are reviewed below in terms of these 11 factors.

1. *Geographical position, depth of water, bottom topography and distance from coast.* [40 CFR 228.6(a)(1).]

The rectangular site is approximately one square nautical mile in size. Its corner coordinates are given above. Water depth ranges from 200 to 400 meters with an average of 292 meters. The center of the site is 2.2 nautical miles from the Isle de Cabras. The bottom drops off steeply to the north. The Insular Slope in this area to the north is characterized by numerous submarine ridges and swales. The bottom sediments within the area of the site average 48 percent silt and 45 percent clay with the balance being sand and gravel.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases.* [40 CFR 228.6(a)(2).]

The sites does not encompass any known unique breeding, spawning, nursery or passage areas of nekton, marine mammals or birds. The open water of the site may be feeding grounds for some wide ranging pelagic fish such as tuna, jacks, and mackerel. Deep waters at the site are feeding grounds for various snappers (blackfin, silk, and vermillion), but the site is not unique in this regard.

3. *Location in relation to beaches and other amenity areas.* [40 CFR 228.6(a)(3).]

The site is centered approximately 2.2 nautical miles due north of San Juan. Palo Seco and Punta Salinas, on the coast immediately west of San Juan, are both approximately 2.5 nautical miles from the center of the site. Both are developed beaches which serve metropolitan San Juan.

El Morro, one of the two fortifications in the San Juan National Historical Site, attracts thousands of visitors every year. It is located on a prominence on the western tip of Isle San Juan overlooking the Atlantic Ocean. Disposal activities at the site are 2.5 nautical miles to the north in the Atlantic Ocean and can be seen from the fortification.

4. *Types and quantities of waste proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any.* [40 CFR 228.6(a)(4).]

Only dredged material consisting of sands, silts, and clays will be disposed of at the site. All dredged materials must satisfy EPA criteria before any permits for ocean dumping are granted. None of the material will be packaged in any way.

The Corps of Engineers will continue to perform dredging using Corps-owned hopper dredges. Additional dredging will also be performed by private contractors using hopper, dragline, clamshell, and dipper dredges.

The total amount of dredged material dumped at the site since 1974 has been 4.3 million cubic yards. Maintenance dredging encompassed 1.5 million cubic yards, and dredged material from harbor improvements encompassed 2.8 million cubic yards. Dumping occurs several times a year.

A deepening project of San Juan Harbor has been proposed by the Corps of Engineers. The proposal under consideration consists of a plan for deeping, widening, and possibly realigning and extending the channels; deepening the turning basins; and easing the channel connecting angles within the authorized existing project. If the deepening project is implemented, the volume of dredged material is estimated to be 12,795,000 cubic yards of soft material and rock. Maintenance dredging would be scheduled every two years, and would involve an increase of approximately 185,000 cubic yards per year.

5. *Feasibility of surveillance and monitoring.* [40 CFR 228.6(a)(5).]

Surveillance of disposal operations at the proposed site could be achieved by helicopter or shiprider.

Periodic monitoring by EPA, the Corps of Engineers, and permittees will continue for as long as the site is used. Additional monitoring will be required if dredging volumes and/or characteristics of the dredged material are changed significantly to assure that adverse impacts do not develop. Periodic reports of the monitoring operations will be made available to interested persons upon request. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current*

direction and velocity, if any. [40 CFR 228.6(a)(6).]

Dredged materials characteristically exhibit dispersion of fine material and subsequent elevated levels of suspended sediment and turbidity when they are disposed. The material dredged from San Juan Harbor is primarily silty clay which would cause turbidity during all phases of disposal.

The current regime off the north coast of Puerto Rico is composed of tidal and non-tidal components. Semi-diurnal tidal currents rotate in a clockwise direction, whereas wind-driven non-tidal currents are predominantly along shore in a westerly direction. The resulting net surface currents at the site indicate a general westward drift with frequent reversals and a mean speed of 0.6 km/hr. Generally, subsurface currents off the north coast are along shore but weaker than surface currents.

There is no known upwelling of subsurface water at the site. A well-mixed layer of surface water extends to approximately 20 meters in May and to 75–100 meters in January. Below 100 meters, a permanent thermocline exists and inhibits the mixing of surface and bottom waters.

The frequent reversal of currents at the site indicate that elevated levels of suspended sediments associated with dumping would be dispersed parallel to the coast, but not in a specific direction. Surface turbidity would be dispersed rapidly in the mixed layer. Elevated levels of suspended sediments in mid and bottom waters will remain below the thermocline and will also be dispersed in a westerly direction parallel to the coast until the particles settle to the bottom.

At the disposal site where the mean water depth averages 292 meters, the strength of bottom currents is unknown. However, sedimentary information indicates that the area is a depositional environment since the sea floor is relatively undistubed. Therefore, horizontal movement of dredged material on the sea floor caused by either surface wave action or bottom currents is not expected.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* [40 CFR 228.6(a)(7).]

Chemical and biological data suggest that previous dumping has created only minor modifications at the site. Oil and grease levels are higher in site sediments; however, levels of other trace contaminants show no consistent trends. Benthic infaunal communities at the interim site show low abundances and diversities similar to the surrounding area. The benthic community is typical of that found in muddy bottom sediments throughout the area (i.e. dominated by small-bodied invertebrate deposit feeders).

8. *Interference with shipping, fishing, recreation, mineral extraction, desalinization, fish and shellfish culture, areas scientific importance and other legitimate uses of the ocean.* [40 CFR 228.6(a)(8).]

Heavy shipping and cruise ship traffic passes through or in the vicinity of the site. However, past disposal activities have not interfered with the ship traffic.

A modest commercial fishery operates out of San Juan, but most fishing activity is concentrated in the shallow waters, inshore of the site. However, commercial fishing in this area is hampered by rought seas and strong winds throughout most of the year.

The Bureau of Land Management does not plan to lease any part of the north coast for oil or gas extraction. No other mineral extraction occurs at or near the site.

Disposal at the site would not interfere with the other activities listed above.

9. *The existing water quality and ecology of the site as determined by available data, trend assessments, or baseline surveys.* 40 CFR 228.6(a)(9).]

Environmental surveys of the site were conducted in 1980 by an EPA contractor and in 1984 by EPA. Both of these studies revealed oceanic water similar in water quality and thermohaline structure to other areas of the tropical Atlantic.

Benthic infaunal populations at the site and surrounding regions of similar depth are extremely low in density and dominated by polychaete and sipunculid worms. Fish fauna at the site are expected to be sparse and composed of wideranging pelagic fish, such as tuna, jacks, and mackerel. Deep waters at the site may be inhabited by various species having wide depth ranges (spiny dogfish, snappers, conger eels, and batfishes) and species representative of the abyssal slope such as grenadiers.

10. *Potential for the development or recruitment of nuisance species in the disposal site.* [40 CFR 228.6(a)(10).]

Survey work at the site has not indicated the development or recruitment of any nuisance species. There are no components in the dredged material which could attract or recruit nuisance species to the site.

11. *Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance.* [40 CFR 228.6(a)(11).]

El Morro, one of two fortifications within the San Juan National Historic Site, is located on a prominence on the western tip of Isle San Juan and overlooks the Atlantic Ocean. Disposal activities at the site are 2.5 nautical miles north in the Atlantic Ocean and can be seen from the fortification.

E. Proposed Action

The site is compatible with the criteria used for site evaluation. As part of the site selection process, EPA considered whether it would be preferable to designate a site in shallow water or in deep water. For the following reasons, EPA has determined that the site selected is environmentally preferable for the disposal of dredged material. These factors are discussed in greater detail in the EIS.

The site is limited to the minimum size necessary for the projected volume of dredged material expected to be dumped in the foreseeable future. The site is located off the Insular (Continental) Shelf and is 2.4 nautical miles from the nearest mainland shore. Bottom sediments in and around the site are over 90% silt and clay and are compatible with the types of sediments expected to be dredged in the San Juan Harbor area and disposed of at the site. It is not expected that the bottom sediments will be disturbed since there are no strong bottom currents or known upwellings, and the depth of the site (averaging 292 meters) limits the potential for disturbance by wave action.

The site is not located within any unique spawning, nursery, or passage areas for marine organisms. Although fish sometimes frequent the area, it is not a unique or an important fish ground in relation to other areas outside of the site.

The site is within easy surveillance range for U.S. Coast Guard vessels and aircraft and is amenable to shiprider surveillance. There have been two previous monitoring surveys of the site which were completed without any major difficulties. Other surveys are planned for the future. The designation of the existing San Juan Harbor Dredged Material Disposal Site as an EPA Approved Ocean Dumping Site is being published as proposed rulemaking. Management authority of this site will be delegated to the Regional Administrator of EPA Region II. It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of material at the site. Before ocean dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping

criteria. If a Federal project is involved, the Corps must also evaluate the proposed dumping in accordance with those criteria. In either case, EPA has the authority to review the applications and to disapprove of the dumping, if it determines that environmental concerns under the Act have not been satisfied.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this proposed action will not have a significant impact on small entities since the designation will only have the effect of providing a disposal option for dredged material. Consequently, this proposal does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this proposed rule does not necessitate preparation of a Regulatory Impact Analysis.

This proposed rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: September 3, 1987.

Christopher J. Daggett,

Regional Administrator for Region II.

In consideration of the foregoing, Subchapter H of Chapter 1 of Title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing and reserving paragraphs (a)(1)(ii)(B) and (a)(1)(ii)(L) and by adding paragraph (b)(46) to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(46) San Juan Harbor (Puerto Rico) Dredged Material Disposal Site

Location: 18d 30' 10"N, 066d 09' 31"W; 18d 30' 10"N, 066d 08' 29"W; 18d 31' 10"N, 066d 08' 29"W; 18d 31' 10"N, 066d 09' 31"W.

Size: 0.98 square nautical miles.

Depth: Ranges from 200–400 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Port of San Juan, Puerto Rico, and coastal areas within 20 miles of said Port entrance.

[FR Doc. 87-22057 Filed 9-23-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-355, RM-5860]

Radio Broadcasting Services; Macomb, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by McDonough Broadcasting, Inc., licensee of Station WJEQ(FM), Macomb, Illinois, proposing to substitute Channel 274B1 for Channel 276A at Macomb, and to modify its Class A license, accordingly.

DATES: Comments must be filed on or before November 9, 1987, and reply comments on or before November 24, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: B. Jay Baraff, Baraff, Koerner, Olender, and Hochberg, P.C., 2033 M Street, NW., Suite 203, Washington, DC 20036, (Attorney for petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–355, adopted August 20, 1987, and released September 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible ex parte contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-21992 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-365, RM-5777]

Radio Broadcasting Services; Pella, IA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by GBA, Inc., licensee of Station KFMD(FM), Channel 277C1, Pella, Iowa proposing to modify its license from Class C1 facilities to a full Class C station operation on the same Channel 277.

DATES: Comments must be filed on or before November 12, 1987, and reply comments on or before November 27, 1987.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Gregg P. Skall, Esq., 1050 Connecticut Avenue, NW., Suite 1100, Washington, DC 20036 (Counsel to Petitioner).

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–365, adopted August 20, 1987, and released September 18, 1987. The full text of this Commission decision is

available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-21995 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 87-349, RM-5679]

Radio Broadcasting Services; London, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Hughes-Moore Associates, Inc., proposing the allotment of FM Channel 223A to London, Kentucky as that community's second FM broadcast service.

DATES: Comments must be filed on or before November 9, 1987, and reply oomments on or before November 24, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Lauren A. Colby, Esq., 10 East Fourth Street, P.O. Box 113, Frederick, Maryland 21206 (Counsel to Petitioner).

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-349 adopted August 19, 1987, and released September 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-21991 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 87-366, RM-5746]

Radio Broadcasting Services; Murray, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by West Kentucky Broadcasting Associates proposing the allotment of FM Channel 284A to Murray, Kentucky as that community's second FM channel.

DATES: Comments must be filed on or before November 12, 1987, and reply comments on or before November 27, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Eugene T. Smith, 715 G Street, SE., Washington, DC 20003 (Counsel to Petitioner).

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-366, adopted August 20, 1987, and released September 18, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-21993 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 87-358, RM-5930]

Radio Broadcasting Services; Nebraska City, NE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Great Lakes Broadcasting Company proposing the

substitution of Channel 249C2 for Channel 249A at Nebraska City, Nebraska, and the modification of its license for Station KNCY–FM to specify operation on the higher powered channel. Channel 249C2 can be allocated to Nebraska City in compliance with the Commission's minimum distance separation requirements and used at Station KNCY–FM's present transmitter site. In accordance with § 1.420(g) of the Commission's Rules, we propose to modify the license of Station KNCY–FM to specify operation on Channel 249C2. In addition, since this proposal represents a co-channel upgrade, we shall not accept competing expressions of interest in use of the channel at Nebraska City nor require the petitioner to demonstrate the availability of an additional equivalent channel for interested parties.

DATES: Comments must be filed on or before November 9, 1987, and reply comments on or before November 24, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Ronald A. Siegel, Esq., Cohn and Marks, 1333 New Hampshire Avenue, NW., Suite 600, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–358, adopted August 20, 1987, and released September 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–21984 Filed 9–23–87; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 87–359, RM–5932]

Radio Broadcasting Services; Mangum and Marlow, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Austin Broadcast Services, Inc., permittee of Station KFXI(FM), Channel 221A, Marlow, Oklahoma, proposing the substitution of Channel 221C2 for Channel 221A at Marlow and the modification of its permit to specify the new channel. This document also directs an Order to Show Cause to James R. Galbreath, permittee of Station KZKQ(FM), Mangum, Oklahoma, why its permit should not be modified to specify operation on Channel 249A in lieu of its present Channel 221A. Channel 221C2 can be allocated to Marlow in compliance with the Commission's minimum distance separation requirements and used at Station KFXI(FM)'s present transmitter location, if Channel 221A is deleted from Mangum. Channel 249A can be allocated to Mangum in compliance with the Commission's minimum distance separation requirements. Austin Broadcast Services, Inc. is requested to furnish a study showing the currently operating noncommercial educational stations in the Marlow area and also the impact on the possible allocation of new noncommercial educational stations on the three adjacent channels since the Commission finds that Station KFXI(FM)'s 1 mV/m contour lies on the edge of the Grade B contour of TV Channel 6 Station KAUZ, Wichita Falls, Texas. Petitioner is also requested to state its willingness to reimburse Station KZKQ(FM), Mangum, Oklahoma, for the costs associated with its change of channel. In accordance with Section 1.420(g) of the Commission's Rules, we propose to modify the permit of Station KFXI(FM) to special operation on Channel 221C2. However, we shall not accept expressions of interest in use of Channel 221C2 at Marlow nor require the petitioner to demonstrate the availability of an additional equivalent channnel.

DATES: Comments must be filed on or before November 9, 1987, and reply comments on or before November 24, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Jeffrey D. Southmayd, Esq., Stephen S. Simpson, Esq., Southmayd Powell & Taylor, 1764 Church Street, NW., Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–359, adopted August 21, 1987, and released September 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Bradley P. Holmes,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–21983 Filed 9–23–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 87-360, RM-5929]

Radio Broadcasting Services; North Bend, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Big Bay Radio, Inc. proposing the allocation of Channel 297C1 to North Bend, Oregon, as the community's second local FM service. Channel 297C1 can be allocated to North Bend in compliance with the Commission's minimum distance separation requirements without a site restriction.

DATES: Comments must be filed on or before November 9, 1987, and reply comments on or before November 24, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Margaret L. Tobey, Esq., Sidley & Austin, 1722 Eye Street, NW., Washington, DC 20006 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-360, adopted August 20, 1987, and released September 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-21982 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-356, RM-5871]

Radio Broadcasting Services; Alamo, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Charles C. Allen proposing the allotment of Channel 263A to Alamo, Tennessee, as that community's first FM service.

DATES: Comments must be filed on or before November 9, 1987, and reply comments on or before November 24, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Eugene T. Smith, Esquire, 715 G Street SE., Washington, DC 20003 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-356 , adopted August 20, 1987, and released September 17 , 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-21988 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-347, RM-5891]

Radio Broadcasting Services; Bastrop and Burnet, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Colorado River Broadcasters, Inc., permittee of Station KSSR(FM), Channel 296A, Bastrop, Texas, proposing the substitution of Channel 296C2 for Channel 296A at Bastrop and the modification of its permit to specify operation on the higher class of channel. In addition the proposal requires the substitution of Channel 295A for Channel 296A at Burnet, Texas, and modification of the license of Station KHLB-FM in order to accomplish the Bastrop substitution. A first wide coverage area FM station could be provided to Bastrop. Petitioner's proposed site is 22.9 kilometers (14.2 miles) west of the community.

DATES: Comments must be filed on or before November 9, 1987, and reply comments on or before November 24, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: John E. Fiorini III, Esquire, Heron, Burchette, Ruckert & Rothwell, 1025 Thomas Jefferson Street NW., Suite 700, Washington, DC 20007 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-347, adopted August 18, 1987, and released September 17, 1987. The full text of this Commission decision is

available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-21989 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 87-348, RM-5708]

Radio Broadcasting Services; Woodville, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Trinity Valley Broadcasting Company proposing the allotment of Channel 234C2 to Woodville, Texas, as that community's first FM service. A site restriction of 23.5 kilometers (14.6 miles) north of Woodville is required.

DATES: Comments must be filed on or before November 9, 1987, and reply comments on or before November 24, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Steven M. Kramer, P.E., Sellmeyer & Kramer, Inc., P.O. Box 841, 10500 Bighorn Trail, Suite 100, McKinney, TX 75069 (Consultant to petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-348, adopted August 19, 1987, and released September 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-21985 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 87-357, RM-5854]

Radio Broadcasting Services; Rice Lake, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Red Cedar Broadcasters, Inc., licensee of Station WAQE-FM, Channel 249A, Rice Lake, Wisconsin, proposing the substitution of Class C2 Channel 249 for Channel 249A at Rice Lake and modification of the station license to specify operation on the higher class channel, as that community's second wide area FM station. A site restriction of 18.3 kilometers (11.4 miles) northeast of Rice Lake is required. Concurrence by the Canadian government must be obtained.

DATES: Comments must be filed on or before November 9, 1987, and reply comments on or before November 24, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Eugene T. Smith, Esquire, 715 G Street, SE., Washington, DC 20003 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-357, adopted August 20, 1987, and released September 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-21987 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 52, No. 185
Thursday, September 24, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Tropic Resource Conservation and Development Measure; Utah

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Tropic Resource Conservation and Development Measure, Garfield County, Utah. (Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Executive Order 12372 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable).

FOR FURTHER INFORMATION CONTACT: Francis T. Holt, State Conservationist, Soil Conservation Service, 125 South State Street, Salt Lake City, Utah 84147, telephone 801 524–5050.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Francis T. Holt, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project consists of a grade stabilization structure and riprap wall to protect the culinary water collection system for the town of Tropic. The proposed plan will prevent the Paria River from undercutting an existing riprap wall and exposing the culinary water collection system for 400 people.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Francis T. Holt, State Conservationist.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Francis T. Holt,

State Conservationist.

September 16, 1987.

[FR Doc. 87–22033 Filed 9–23–87; 8:45 am]

BILLING CODE 3410–16–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting; Massachusetts Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 1:30 p.m. and adjourn at 5:00 p.m. on September 28, 1987, in Room 505 of the John F. Kennedy Federal Building, Cambridge and New Sudbury Streets, Boston, Massachusetts. The purpose of the meeting is to orient new members and discuss the proceedings of a May 1987 Chairpersons Conference, the status of the agency's funding, and changes in Commission and Advisory Committee operations as a result of a recent reorganization. Guest presentations will also be made on civil rights issues such as bias-related incidents, school desegregation, and the like in Massachusetts, and the Committee is then expected to select a new project or projects for Fiscal Year 1988.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Philip Perlmutter (617/542–7525) or John I. Binkley, the Director of the Eastern Regional Division (202/523–5264; TDD 202/376–8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Eastern Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, September 17, 1987.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 87–22014 Filed 9–23–87; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the proposed Dress Rehearsal Survey for the 1990 Census under the provisions of the Paperwork Reduction Act (44 USC Chapter 35). The initial request for OMB approval was submitted June 17, 1987 but it has been revised to address concerns raised by OMB. The Department is now requesting an expedited review by OMB.

The 1988 Decennial Census Dress Rehearsal Survey will be a one-time mandatory request that will affect individuals and households. This new collection will place a burden of 98,058 total reporting hours on 475,000 respondents. The 1988 "Dress Rehearsal" Program is undertaken to implement the 1990 Decennial Census procedures in as near census-like conditions as possible. The Census Bureau will employ the full array of data collection and processing techniques it intends to use in 1990. Respondents will be residents of St. Louis, Missouri, East Central Missouri, and Eastern Washington.

Copies of the information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed

information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, D.C. 20503.

Dated: September 22, 1987.

Stephen Browning,

Acting Director, Office of Management and Organization.

[FR Doc. 87-22144 Filed 9-23-87; 8:45 am]

BILLING CODE 3010-07-M

International Trade Administration

Meeting; Electronic Instrumentation Technical Advisory Committee

A meeting of the Electronic Instrumentation Technical Advisory Committee will be held October 13 and 14, 1987, Herbert C. Hoover Building, 14th & Constitution Avenue NW., Washington, DC. The October 13 meeting will convene in Room B-841 at 9:30 a.m. On October 14 the meeting will continue to its conclusion in Room 6802 of the Herbert C. Hoover Building.

The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to electronics and related equipment and technology.

General Session:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Comments are invited on the following entries on the Commodity Control List (CCL):

CCL 1522A—Lasers and Laser Systems
CCL 1529A—Test Equipment
CCL 1531A—Frequency Synthesizers
CCL 1533A—Spectrum Analyzers
CCL 1541A—Cathode Ray Tubes
CCL 1572A—Recording and Reproducing Equipment
CCL 1584A—Oscilloscopes

Comments should consider the need for revision (strengthening, relaxation or decontrol) of the current regulations based on technological trends, foreign availability and national security. The Committee is also interested in proposals for revision to the People's Republic of China guidelines and G-COM regulations relating to these CCL numbers.

Executive Session

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting and can be directed to: Technical Support Staff, Office of Technology & Policy Analysis, Room 4073, 14th Street & Constitution Avenue NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes contact Betty A. Ferrell, 202/377-2583.

Date: September 21, 1987.

Betty A. Ferrell,

Acting Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 87-22060 Filed 9-23-87; 8:45 am]

BILLING CODE 3510-DT-M

National Technical Information Service

Availability for Licensing of Government-Owned Inventions

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Associate Director, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 6-825,004 (4,685,481)
Washer for Plant Roots and Other Articles
SN 6-845,655 (4,687,741)
Novel Enzymes Which Catalyze The Degredation and Modification of Lignin
SN 7-034,883
Storage and Shipment of Osmotically Desiccated Entomogenous Nematodes
SN 7-054,561
Avian Interleukin-2
SN 7-054,638
Avian Interleukin-2
SN 7-055,476
Temperature Adaptable Textile Fibers and Method of Preparing Same
SN 7-068,499
Vaccine for Swine Trichinosis

Department of Commerce

SN 6-747,486 (4,685,661)
Method and Mechanism for Fixturing Objects
SN 6-762,740 (4,681,855)
Humidity Sensing and Measurement Employing Halogenated Organic Polymer Membranes
SN 6-838,748
Micromanipulator System
SN 7-044,346
Dielectric Phantom Material

Department of Health and Human Services

SN E-157-87
Rapid Enzymatic Method For Measurement Of Serum Flucytosine Levels
SN 6-768,397 (4,687,001)
Subcutaneous Fluid and Culture Chamber and Implant Technique
SN 7-037,178
New Antiretrovial Agents
SN 7-039,402
Acid Deoxynucleotides Active Against HIV
SN 7-066,989
Novel Interleukin 2 Receptor and Applications Thereof
SN 7-072,455
Recombinant Vaccinia Virus Containing a Chimeric Gene having Foreign DNA Flanked by Vaccinia Regulatory DNA

Department of Interior

SN 6-889,156 (4,686,443)
Constant Current, Fast and Float Rate, Variable Hysteresis Battery Charger

Department of the Air Force

SN 6-654,338 (4,673,943)
Integrated Defense Communications System Antijamming Antenna System
SN 6-656,845 (4,672,380)
Gain Restoration After Doppler Filtering
SN 6-662,204 (4,675,662)
Magnetostatic Delay Line With Improved Delay Linearity
SN 6-684,240 (4,673,826)
Autonomous Uninterruptable Power Supply Apparatus
SN 6-688,943 (4,671,117)
Apparatus For Transmitting Data From High Speed Rotors
SN 6-698,977 (4,671,605)
Length Dependent, Optical Time Delay/Filter Device For Electrical Signals
SN 6-698,979 (4,671,604)
Wavelength Dependent, Tunable, Optical Time Delay System For Electrical Signals
SN 6-726,872 (4,669,831)
Total Internal Reflection Modulator/Deflector
SN 6-749,352 (4,675,847)
CCD Recirculation Data Flow Arrangement
SN 6-751,399 (4,674,565)
Heat Pipe Wick
SN 6-765,428 (4,676,599)
Micro-Optical Lens Holder
SN 6-765,483 (4,674,091)
Methods For Tuning Free Electron Lasers To Multiple Wavelengths
SN 6-772,813 (4,673,938)
Situation Awareness Mode
SN 6-788,308 (4,675,067)
Solar Cell Coverslide Extraction Apparatus
SN 6-801,341 (4,674,607)
Shock Absorbing Device With Integral Pressure Relief Valve
SN 6-804,034 (4,674,704)
Direct Air Cooling System For Airborne Electronics
SN 6-824,822 (4,675,088)
Synthesis of R_fOTEF_5
SN 6-831,886 (4,674,479)
Anti-G Suit
SN 6-865,507 (4,674,334)
Properties of Composite Laminates Using Leaky Lamb Waves
SN 6-905,596 (4,672,570)
Network Interface Module and Method
SN 6-907,345 (4,674,011)
Alignment Reference Device
SN 6-917,934
Apparatus For Casting Directionally Solidified Articles
SN 7-041,956
LiH Thermal Storage Capsule/Heat Exchanger

Department of the Army

SN 6-817,640 (4,674,406)
Explosively Activated Impact Switch With Interlocking Contacts
SN 7-034,356
Incoherent Image Intensity Normalization, Contour Enhancement, and Pattern Recognition System
SN 7-046,343
Method of Making A Long Life High Current Density Cathode From Tungsten and Iridium Powders Using A Barium Iridiate As the Impregnant
SN 7-046,347
Method of Precisely Adjusting the Frequency of a Piezoelectric Resonator
SN 7-051,872
High-Sensitivity Infrared Polarimeter
SN 7-057,134
Television Test Signal Generator
SN 7-059,346
Cathode Material For Use In Lithium Electrochemical Cell and Lithium Electrochemical Cell Including Said Cathode Material
SN 7-060,872
Optical Processor for an Adaptive Pattern Classifier
SN 7-060,873
A TV Surveillance System That Requires No Mechanical Motion
SN 7-063,611
Process and Apparatus for Controlling Winding Angle
SN 7-065,820
Contactless Hall Coefficient Measurement and Method
SN 7-066,808
Bilateral Frequency Adjustment of Crystal Oscillators
SN 7-070,753
Organic Electrolyte For Use In A Lithium Rechargeable Electrochemical Cell and Lithium Rechargeable Electrochemical Cell Including Said Organic Electrolyte
SN 7-070,755
Switchable Dielectric Waveguide Circulator
SN 7-075,799
Method and Apparatus For Growing High Perfection Quartz

Tennessee Valley Authority

SN 6-942,565 (4,676,821)
Sulfur-Coated Urea

[FR Doc. 87-22010 Filed 9-23-87; 8:45 am]
BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Negotiated Settlement on Import Restraint Limits for Certain Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in the People's Republic of China

September 21, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on September 25, 1987. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566-6828. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to establish and amend import limits for silk blend and other vegetable fiber textiles and textile products in Categories 831, 833, 840 and 847, produced or manufactured in the People's Republic of China and exported to the United States during 1987.

Background

A CITA directive dated June 26, 1987 (52 FR 24503) established import restraint limits for certain silk blend and other vegetable fiber textiles and textile products in Categories 833 and 847, produced or manufactured in the People's Republic of China and exported during the twelve-month periods wich began, in the case of Category 833, on September 30, 1986 and extends through September 29, 1987; and, in the case of Category 847, on December 31, 1986 and extends through December 30, 1987.

During consultations held September 1-4, 1987 between the Governments of the United States and the People's Republic of China, agreement was reached, effected by exchange of notes dated September 11 and 14, 1987, to establish specific limits for silk blend and other vegetable fiber textiles and textile products in Categories 831, 833, 840 and 847, produced or manufactured

in the People's Republic of China and exported to the United States during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987. The United States Government has decided to control imports of these categories at the designated levels. A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983, (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register.**

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

September 21, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of Treasury
Washington, DC 20229.

Dear Mr. Commissioner: This directive cancels and supersedes only that portion of the directive of June 26, 1987, concerning imports into the United States of certain silk blend and other vegetable fiber textiles and textile products in Category 833, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on September 30, 1986 and extends through September 29, 1987. This directive also amends, but does not cancel, that portion of the June 26, 1987 directive concerning imports of certain products in Category 847 exported during the period December 31, 1986 through December 30, 1987.

Effective on September 25, 1987, the directive of June 26, 1987 is hereby amended to establish and amend import restraint limits for silk blend and other vegetable fiber textiles and textile products in Categories 831, 833, 840 and 847, produced or manufactured in the People's Republic of China and exported during the new import period which began on January 1, 1987 and extends through December 31, 1987:[1]

Category	12-mo. restraint limit
831	365,000 dozen pairs.
833	20,000 dozen.
840	355,000 dozen.
847	975,000 dozen.

Textile products in the foregoing categories which have been exported to the United States prior to January 1, 1987 shall not be subject to this directive.

Textile products in Categories 831 and 840 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

Also effective on September 25, 1987, you are directed to charge the following amounts to the limits established in this letter for Categories 831, 833 and 840. These charges are for goods imported during the period January 1, 1987 through July 31, 1987:

Category	Amount to be charged
831	69,205 dozen pairs.
833	4,136 dozen.
840	183,115 dozen.

In the case of Category 847, retain the charges already made to the limit and add missing charges of 186,558 dozen for the import period May 1, 1987 through July 1, 1987. These charges also reflect the deduction of charges for goods exported on December 31, 1986.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-22095 Filed 9-23-87; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limits have not been adjusted to account for any imports exported after December 31, 1986.

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 14 and 15 October 1987.

Times of Meeting: 0800-1700 hours, 14 and 15 October 1987.

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board Ad Hoc Subgroup for Ballistic Missile Defense Follow-On will meet for classified briefings and discussions reviewing matters that are an integral part of or are related to the issues of the study effort; i.e., induction, atmospheric issues and adaptive defense. The subgroup is tasked with a comprehensive review of BMD requirements, technology, and specific issues impacting on program development. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87-22018 Filed 9-23-87; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

National Environmental Policy Act; Record of Decision to Homeport Naval Vessels at Naval Station Treasure Island, Hunters Point Annex

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations (40 CFR Part 1500), the U.S. Navy is making the decision to Homeport elements of a Battleship Battlegroup and a Cruiser Destroyer Group on the West Coast of the United States and specifically at the Hunters Point Annex, Naval Station (NAVSTA) Treasure Island. This action was identified as Alternative 5 in the Environmental Impact Statement (EIS). Implementation of this action will satisfy the Navy's strategy for fleet dispersal, and will make effective use of existing Naval facilities. Support for the homeporting of additional ships in the San Francisco Bay Area is also provided by the urban/industrial nature of surrounding communities. The Navy currently has a large established presence in the Bay Area, employing approximately 40,000 people, of which 28,000 are civilian residents.

Sites identified as alternatives for homeporting additional ships in the San

Francisco Bay Area were Naval Station (NAVSTA) Treasure Island; Naval Station Treasure Island, Hunters Point Annex; and Naval Air Station (NAS) Alameda. These locations were identified as the only potential sites in San Francisco Bay for navigational and operational reasons.

The decision to adopt concepts presented in Alternative 5 for both ship berthing and new construction of shoreside support facilities is consistent with the existing complex at Hunters Point Annex.

Many impacts were regional in nature and therefore common to all alternatives. Of the action alternatives, Alternative 5 clearly had substantially smaller impacts resulting from dredging (quality and quantity). Alternative 5 also had less impact on water quality, marine and terrestrial biology, traffic, energy/utilities and public health/safety.

None of the alternatives which considered Naval Station Treasure Island and Naval Air Station Alameda as homeporting sites were superior or equal to Alternative 5 when all the physical, socioeconomic and operational factors were weighed on balance.

As part of a multi-year plan to reduce the housing deficit in the San Francisco area, the Navy will develop a 1500-unit housing complex at Hunters Point Annex, along with an additional 144 units to the present housing complex at NAVSTA Treasure Island. While the impacts of the introduction of the housing residents to the area is discussed throughout the Draft and Final EIS, appropriate environmental documentation will be prepared as detailed site specific proposals are developed in support of the multi-year plan.

During the public review process of environmental impact documentation for the homeporting action, questions were raised about other Naval projects in the Bay area. The suggestion was made that these projects are integral to the homeporting action, as they involve bay dredging. Two of these other future Navy construction dredging projects (P-082, Naval Supply Center Oakland and P-202, Naval Air Station Alameda) are not related to the West Coast Homeporting of a Battleship Battlegroup and a Cruiser-Destroyer Group. These projects are ongoing and previously approved facility improvements. The estimated dredge quantities associated with these projects were included in the EIS in order to assess cumulative impacts. The project dredge amounts were included in the total projected San Francisco Bay area Navy dredging for FY86-90 and also within the estimated potential future volume of dredge material requiring disposal at the Alcatraz site or other approved aquatic site. The West Coast Homeporting dredge totals were then compared by alternative against that estimated total. The end result was an analysis that covered the cumulative impacts of both Navy and non-Navy dredging through FY91. The relationship of pier 35 rehabilitation and dredging project (P-257) at Mare Island is clearly identified within the Draft and Final FIS documentation. All three projects predate the identification of homeporting requirements and, in the case of P-082/P-202, have been held in abeyance until completion of an aquifer study requested by cognizant city and state agencies and which was begun prior to initiation of homeporting environmental documentation.

Coincident with preparation of the EIS for the Battleship Battlegroup and Cruiser-Destroyer Group homeporting, the Navy was completing environmental review of the proposed homeporting of six Naval Reserve Force ships (four fast frigates and two mine countermeasure vessels) under a plan that considered placing them at the Hunters Point Annex. The Record of Decision (ROD) for that action reaffirmed the homeporting of the NRF ships at NAVSTA Treasure Island, rather than at the Hunters Point Annex. The ROD also authorized the construction of a SIMA at Hunters Point Annex, along with various personnel support facilities.

All 11 ships of the Battleship Battlegroup and cruiser destroyer group will be placed at Hunters Point. Under a phased plan, the battleship and one cruiser will be homeported at Hunters Point in 1990. The rest of the ships would arrive subsequent to that date. Total construction dredging is estimated to be approximately 912,000 CY, of which approximately 447,000 CY will be at the south pier at Hunters Point and approximately 465,000 CY at the north pier. The estimated annual maintenance dredging is approximately 534,000 CY, of which approximately 326,000 CY will be Hunters Point and approximately 208,000 CY will be for the Naval Reserve ships at Treasure Island. It is to be noted that dredging will be limited to 42 MLLW plus *one foot* at the north side of the south pier to avoid disturbance of deeper, contaminated bottom material. The USS MISSOURI is required to be interim berthed at the north side of the south pier in order to meet initial operational capability in FY-90. North pier improvements to accommodate the USS MISSOURI will not be completed until FY-91 or later.

The year-long study program for the Battleship Battlegroup and Cruiser-Destroyer Group Homeporting included a comprehensive testing program of the sediments that are to be dredged. The testing program was designed using approved protocols and guidance from both the U.S. Army Corps of Engineers (COE) and the U.S. Environmental Protection Agency (EPA). The testing program evaluated the potential for dredging and disposal at either the existing Bay site at Alcatraz or at an as-yet-undesignated ocean disposal site.

Disposal of the dredge material will add incrementally to the overall contaminant load of the Bay. Water quality in the Bay could be affected in the short term by dredging of sediments which contained elevated concentrations of contaminants, if these contaminants were released into the water column during dredging activities or were leached from these sediments at the disposal site. However, recent studies suggest that chemical contaminants appear to remain largely bound to fine sediments and are not readily released into the water column. Eventually, the dredged sediments would be removed from the Bay to the ocean or would be buried by other sediments.

Local short-term increases in turbidity and decreases in dissolved oxygen levels would be expected to occur during the dredging and disposal operations. Dredging would alter benthic habitats through the removal of existing infaunal communities.

Although some bioaccumulation or bioconcentration of chemical contaminants could occur in aquatic organisms, particularly in benthic species at the disposal site, the long-term effects of dredging and dredge material disposal due to the Navy homeporting actions are also not likely to be significant.

Operation of the Homeport could result in degradation of the surface water quality resulting from discharge of graywater from certain classes of ships, ship maintenance materials, oil spills during refueling, and surface runoff from ships and shore facilities. A major uncontrolled oil/fuel spill would have significant effect on local water quality and associated marine/aquatic wildlife. All of these potential impacts have corresponding mitigation measures and contingency plans to obviate or significantly reduce impacts in the event of an accident.

The use of anti-fouling paints on the homeported ships also could have adverse localized water quality effects. The Navy will not use organotin-based anti-fouling paints on any of the ships proposed for homeporting addressed in

this ROD, until the paint's use is approved by the EPA.

Homeporting will bring approximately 12,000 people to the Bay Area, including approximately 6,000 dependents. Approximately 5,500 Navy direct employment positions and 5,000 indirect employment positions are expected to be generated. Of the 5,500 direct jobs, from 150 to 400 would be civilian jobs. Any gain of civilian jobs for the Bay Area, however, is offset by a direct associated job loss of approximately 580 jobs (250 ships repair and 330 small business/artists) at Hunters Point. It is possible that these activities will locate elsewhere in the Bay Area. This loss could also be reversed in the future by the project's generation of more jobs in ship repair.

Some housing for Navy personnel would be provided on ships and in military housing complexes in the Bay Area, largely in the Central Bay Subregion. The remaining housing demand, both military and civilian, generated by the proposed project, would be fulfilled by local communities. Private housing demand would be up to 2,100 units in widely dispersed communities, representing less than 0.5 to 1% of housing demand in any single affected county. The demand for Navy housing would be partially offset by ongoing military housing construction projects and by a 1,500-unit Navy housing project proposed at Hunters Point noted previously.

The proposed action would add approximately 21,000 additional daily vehicle trips to Bay Area regional roads. The project will increase roadside concentrations of ROC, NO_x and TSP, subject to implementation of mitigation measures proposed for traffic impacts. Adverse effects on regional SO_x levels primarily due to emissions associated with ship engines could occur, but this has a low probability of occurrence. Emissions of NO_x and ROC could also contribute to downwind ozone concentrations.

The proposed action will increase the volume of ship traffic in the San Francisco Bay. Fleet movements would increase total ship traffic on the Bay by about 0.2%. These increases in vessel traffic would increase the risk of vessel collision, grounding, or similar incidents, which are already relatively infrequent.

An approximate 33% (45% with NRF ships) increase in Navy ships homeported in San Francisco Bay would also increase the amount of ordnance handling, ship fueling operations, and hazardous waste generation. The analysis of hazardous waste generation included both ship and shoreside waste generation by the Homeporting action. The quantity of Homeporting hazardous waste was evaluated in terms of current San Francisco Bay Region Navy disposal practice to assess the Navy's ability to dispose of the total cumulative San Francisco Bay Region generated hazardous waste. The hazardous waste storage facility at DRMO Alameda is currently used to capacity. Any increase in Navy hazardous waste could aggravate the already limited storage capacity at the DRMO Alameda. Both DRMO and NAS Alameda have proposed additional hazardous waste storage capacity to alleviate this situation. A facility for storing hazardous waste less than 90 days is also planned at Hunters Point. Furthermore, Navy regulations require the development of an oil and hazardous substance spill prevention, control, and countermeasures plan and a hazardous waste management plan specifically for Hunters Point. Mitigation measures also include local development of an Emergency Preparedness Plan by the Navy, an aggressive program in the Bay Area to reduce operational oil spills, and a nationwide Navy effort to reduce hazardous waste generation.

Certain areas at Hunters Point have also been verified in recent studies as contaminated by hazardous materials from past operations. Characterization studies, now ongoing, will identify areas to be remedied. Full compliance with all applicable hazardous waste laws and/or procedures will be observed.

The Navy will comply with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, in accordance with section 120 of CERCLA. The Navy will comply with state laws concerning removal and remedial action when its facilities are not included on the National Priorities list. Accordingly, the Navy will:

- Develop additional data as appropriate through review of past disposal practices, grid surveys, and/or site specific investigations to accurately assess the scope of hazardous waste contamination at Hunters Point.
- Develop in uncontaminated areas in a manner that is compatible with possible remediation efforts at other sites.
- Follow National Contingency Plan (NCP) procedures in performing evaluations and response actions at each area contaminated by hazardous substances.
- Coordinate and consult with state regulatory agencies, and insure full public participation consistent with CERCLA, SARA and NCP.

The principal issues demonstrated by the greatest expression of public concern were: the potential for dredging to degrade water quality and introduce toxics into the aquatic ecosystem of the Bay; disposal of dredged materials; pending problems and disposal of identified hazardous waste sites at Hunters Point; a variety of nuclear related questions (such as desires for contingency planning, nuclear weapons safety, and nuclear arms control); concerns about loss and displacement of jobs at Hunters Point; housing issues relating to competition for a limited availability of affordable housing in the Bay Area; and traffic congestion.

There was also concern about local public health and mores, compatibility of the Homeport project with its surroundings, and the need for communication and liaison with the Navy in future planning. On many topics, commentors expressed the desire that the Navy work closely with the City and County of San Francisco, adhere to state and federal regulations, and promise to actively pursue mitigative measures, especially in the areas of petroleum spills, hazardous wastes, employment, traffic, and Bay area aquatic health. It is the Navy's intent to continue to pursue these issues.

Finally, in the preparation of this Record of Decision, the Navy considered comments received subsequent to the publication of the FEIS. Concerns for the most part were dredging impacts, the identification and disposal of hazardous waste and the nuclear issue.

One area of concern raised was the Hazard of Electromagnetic Radiation to Ordnance (HERO) and the likelihood that citizens and naval personnel will be adversely affected. Consideration of any HERO effects is an integral part of planning for Navy operations. Prior to facilities construction, a thorough analysis involving all prospective transmitters along with their respective antenna patterns is performed to identify safe distances from the ordnance expected to be present. Relocations are then accomplished as applicable. After installation, actual measurements are taken and arcs identified for each transmitter. Conversely, each weapon/system, ordnance assembly/handling area, access/egress route, etc. is identified and compared to the arcs previously mentioned. Again, relocations are performed where possible and/or equipment operating procedures are

modified to insure compatibility. All of this results in a station emission control "bill" (procedures) which insures personnel and equipment safety. Procedures are updated as equipment and/or ordnance changes are introduced. Accordingly, it is not expected that any Navy operation, ashore or afloat, will constitute a HERO hazard to either Navy personnel or the surrounding community.

As expected with an action of this magnitude, the Navy has worked closely with Federal, State and local agencies connected with the homeporting action. That close working relationship will continue as we design, develop the homeports, and execute the final actions. Continuing coordination with other agencies will include but may not be limited to the following items:

- Section 404 Permit (Clean Water Act) administered by the COE, San Francisco District, with oversight by Region IX EPA.
- Water Quality Certification (Clean Water Act) administered by California State Regional Water Control Board
- Dredging Permit (section 10, Rivers and Harbors Act) administered by the COE.
- Ocean disposal permit (section 103 Marine Protection, Research and Sanctuaries Act) administered by the COE; if ocean disposal is necessary.
- Final Coastal Consistency Determination (Coastal Zone Management Act) administered by the San Francisco Bay Conservation and Development Commission.
- Consultation with the State Office of Historic Preservation regarding sites that might be identified as eligible for the National Register of Historic Places while homeporting proceeds.
- Authority to Construct and Permit to Operate (Clean Air Act) from the Bay Area Air Quality Management District.
- Recommendation to decision makers of the City and County of San Francisco to adopt the EIS to fulfill environmental review of certain related discretionary actions involved in the City and County's pending agreements with the Navy, pursuant to the California Environmental Quality Act (CEQA).
- Continuing coordination and consultation with and approvals if necessary, from various agencies including the State Department of Health Services, the Regional Water Quality Control Board and the federal EPA in order to ensure compliance with CERCLA and SARA.

W.R. Babington,

CDR, JAGC, USN, Federal Register Liaison.

[FR Doc. 87-21979 Filed 9-23-87; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on U.S. Marine Corps Command and Control Systems Interoperability will meet on October 26, 1987, at the Navy Annex, South Gate Road and Columbia Pike, Arlington, Virginia. The meeting will commence at 9:00 A.M. and terminate at 3:00 P.M. on October 26, 1987. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to review interservice command and control systems requirements for naval forces in the near and mid-term, and identify future communications and command and control systems architecture features with a view toward improving interoperability. The agenda will include executive sessions to discuss technical briefings received to date which addressed development programs and interoperability procedures, and continue preparation of a final report. These discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander L. W. Snyder U.S. Navy, Office of Naval Research (Code (OONR), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Jane Virga,

Lieutenant JAGC, U.S. Navy Reserve, Federal Register Liaison Officer.

September 21, 1987.

[FR Doc. 87-21977 Filed 9-23-87; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on Laser Weapons will meet on October 27-28, 1987. The meeting will be held at the Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, Virginia. The meeting will commence at 9:30 A.M. and terminate at 4:00 P.M. on October 27; and commence at 9:00 A.M. and terminate at 3:30 P.M. on October 28, 1987. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to provide for the Navy an assessment of the potential military value of laser technology for weapon applications. The agenda will include technical briefings and discussions addressing military laser weapon programs. These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander L. W. Snyder, U.S. Navy, Office of Naval Research (Code OONR), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Date: September 21, 1987.

Jane Virga,

Lieutenant, JAGC, U.S. Navy Reserve, Federal Register Liaison Officer.

[FR Doc. 87-21978 Filed 9-23-87; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. G-2737-000 et al.]

Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates;[1] Conoco, Inc., et al.

September 21, 1987.

Take notice that each of the Applicants listed herein has filed an

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-2737-000, D, Sept. 10, 1987.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252.	Williams Natural Gas Company, West Panhandle Field, Carson and Gray Counties, Texas.	[1]	
G-2737-003, D, Sept. 11, 1987.	.....do.....	.....do.....	[2]	
G-2737-001, D, Sept. 10, 1987.	.....do.....	West Panhandle Field, Carson County, Texas.	[3]	
G-2737-004, D, Sept. 11, 1987.	.....do.....	.....do.....	[4]	
G-2737-002, D, Sept. 11, 1987.	.....do.....	West Panhandle Field, Gray County, Texas.	[5]	
CI64-1307-000, D, Sept. 11, 1987.	.....do.....	Valero Interstate Transmission Company Shepherd Field, Hidalgo County, Texas.	[6]	
G-16911-001, D, Sept. 14, 1987.	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Cimarron Transmission Co., Enville Field, Love County, Oklahoma.	[7]	
CI69-177-000, D, Sept. 14, 1987.	.....do.....	.....do.....	[8]	
CI62-1412-004, D, Sept. 10, 1987.	.....do.....	Ringwood Gathering Co., Ringwood Field, Major County, Oklahoma.	[10]	
CI87-891-000, B, Sept. 8, 1987.	Lowry Exploration, Inc., P.O. Drawer 1847, Liberal, Kansas 67901.	Panhandle Eastern Pipeline Company, SE Liveral Field, Seward County, Kansas.	[11]	
G-10976-000, D, Sept. 10, 1987.	Cabot Petroleum Corporation.....	Hugoton Field, Seward County, Kansas.	[13]	
G-2633-000, D, Sept. 11, 1987.	Phillips Petroleum Company, 990-G Plaza Office Bldg., Bartlesville, Okla. 74004.	Texas Gas Transmission Corporation, John R. Colburn Survey, Panola County, Texas.	[14]	
CI87-900-000, B, Sept. 11, 1987.	Mar-Low Corporation, P.O. Box 51673 OCS, Lafayette, La. 70505.	Abbeville Field, Vermilion Parish, Louisiana.	[15]	
CI87-888-000, F, Sept. 8, 1987.	Union Texas Petroleum Corporation, (Succ. in Interest to Shell Offshore Inc.), P.O. Box 2120, Houston, Texas 77252-2120.	Transcontinental Gas Pipe Line Corp., South Timbalier Blocks 184 & 185, Offshore Louisiana.	[16]	
CI86-245-001, F, Sept. 9, 1987.	PECO Resources, Inc., Two Executive Park Place, 1989 East Stone Drive, Kingsport, Tenn. 37660.	East Tennessee Natural Gas Company, Dickenson County, Virginia.	[17]	
CI87-895-000, B, Sept. 9, 1987.	Hanson Corporation, P.O. Box 1212, Midland, Texas 79702-1212.	Delhi Gas Pipeline Company, Certain acreage in Crane County, Texas.	[18]	
CI87-896-000, B, Sept. 10, 1987.	Kimbell Oil Company of Texas, c/o Godfrey & Decker, 3200 Continental Plaza, Fort Worth, Texas 76102-5304.	Northern Natural Gas Company, Division of Enron Corp., Upper Morrow Field, Hansford County, Texas.	[19]	
CI65-531-000, D, Sept. 15, 1987.	BHP Petroleum Company, Inc., 5847 San Felipe—Suite 3600, Houston, Texas 77057.	Natural Gas Pipeline Company of America, Interstate Field, Eddy County, New Mexico.	[20]	
CI65-525-000, D, Sept. 15, 1987.	.....do.....	.....do.....	[21]	
CI70-932-000, D, Sept. 15, 1987.	.....do.....	ANR Pipeline Company, Interstate Field, Major County, Oklahoma.	[22]	
G-3894-030, D, Sept. 15, 1987.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Transcontinental Gas Pipe Line Corp., Greta Field, Refugio County, Texas.	[23]	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI87-904-000, F, Sept. 15, 1987.	Seagull Energy E&P Inc., *et al*, (Succ. in Interest to Shell Offshore Inc.), 1001 Fannin—Suite 1700, Houston, Texas 77002.	Trunkline Gas Company, South Timbalier Block 175, Offshore Louisiana.	[24]	

FOOTNOTES:

[1] By two separate Instruments of Assignment dated 2-12-87, effective 11-1-86, Conoco Inc. conveyed unto Dakar Operating Company, its interest in dry gas rights underlying the SE/4 Section 161, Block 3, Gray County, Texas and E/2 NE/4 Section 83, Block 4, Carson County, Texas.

[2] Effective 11-1-86, Conoco Inc. assigned its interest in dry gas rights in seven leases to Laclede Operating Company.

[3] Dry gas rights underlying E/2 Section 243 and SE/4 Section 242, Block B-2, H&GN RR. Co. Survey, Carson County, Texas were conveyed to VRK Operating Company, Inc. effective 7-1-87.

[4] By Instrument of Assignment executed 3-23-87, retroactively effective 11-1-86, Conoco Inc. conveyed unto Spradling Drilling Company, its gas rights underlying the NE/4 Section 62, Block 4, I&GN RR. Co. Survey, Carson County, Texas.

[5] Effective 7-1-87 Conoco Inc. conveyed unto Wy-Vel Corporation, its dry gas rights underlying Section 203, Block B-2, H&GN RR. Co. Survey, Gray County, Texas. Wy-Vel Corporation subsequently assigned such rights unto Paul Eakin and Jim Eakin (Eakin Brothers).

[6] By Partial Assignment executed 8-6-87, retroactively effective 2-1-87, Conoco Inc. assigned unto Vernon E. Faulconer, Inc., its interest in the F. B. Godinez Unit No. 1.

[7] Sun assigned its interest in Property No. 499992, R. A. Hefner, Jr. Unit #2 (Hunton) to Raymac Petroleum Inc.

[8] Sun assigned its interest in Property No. 546803, R. A. Hefner, Unit #1 to Raymac Petroleum Inc.

[9] Not used.

[10] Sun assigned its interest in Property Nos. 883631, S.W. Ringwood Unit Phase II; 878330, Scannell Unit; and 878332, Nettie Scannell Unit to South Timbers Limited Partnership.

[11] To allow the present owner, Lowry Exploration, Inc. to sell gas on the end user market, allowing this well to continue producing rather than plugging a small uncommercial well.

[12] Not used.

[13] The Massoni #3 well in the Toronto formation has been plugged and abandoned and purchaser requests a release of measurement equipment so as to utilize at alternate locations. All other productive wells and formations are not included in this application.

[14] Phillips Petroleum Company has assigned its interest in the Getty-Werner-Koyle lease to Loflin Oil Company. This change in ownership occurred by assignment effective 4-1-87 and executed on 5-24-87.

[15] Field depleted.

[16] Effective 1-1-87, Shell Offshore Inc. assigned certain acreage to Union Texas Petroleum Corporation.

[17] On 7-27-87, Equitable Resources Energy Company and PECO executed a Transfer and Contribution Agreement to transfer to PECO all jurisdictional properties underlying the sale authorized in Docket No. CI86-245.

[18] Pursuant to a letter dated 4-21-86, the purchaser (Delhi) indicated they would charge Hanson Corporation a monthly metering fee of $500 or cease purchases. Hanson was not agreeable to the fee, therefore, Delhi ceased purchases from the wells. The gas from certain of the wells has been venting or shut in for approximately 12 months. Hanson notified Delhi of termination of the contract by letter of 3-4-87. The actions of Delhi has made operations of the wells uneconomical for Hanson, therefore, Hanson has secured a market which is ready, willing and able to take gas from these wells, thus preventing the possibility of premature abandonment of the wells and loss of remaining reserves.

[19] Wells are uneconomic at the current price and volume.

[20] Effective 5-20-87, NGPL has released BHP's owned/controlled interests in gas production from the First National Bank of Albuquerque No. 1 Well, Indian Basin Field, Eddy County, New Mexico, from the terms of the contract dated 10-26-64.

[21] Effective 2-23-87, NGPL has released BHP's interests in gas produced from the Mississippian and Hunton formations in the Harmon No. 2 Well, Major County, Oklahoma, from the terms of the contract dated 3-23-70.

[22] Effective 4-30-87, NGPL has released BHP's owned/controlled interests in gas production from the Lowe State Com. No. 2 Well, Indian Basin Field, Eddy County, New Mexico, from the terms of the contract dated 9-10-64.

[23] Releases dated 8-19-87, ARCO released its interest in certain acreage back to the lessor (TX-4585 and TX-4688).

[24] Effective 6-1-87, Seagull Energy E&P Inc., Columbus Mills, Inc., Dayfar Pty. (U.S.) Inc. and Prospect Resources (U.S.) Inc. acquired certain acreage by assignment from Shell Offshore Inc.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 87-22097 Filed 9-23-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP87-519-000 et al.]

Natural Gas Certificate Filings; Colorado Interstate Gas Co. et al.

September 18, 1987.

Take notice that the following filings have been made with the Commission.

1. Colorado Interstate Gas Co.

[Docket No. CP 87-519-000]

Take notice that on August 31, 1987, Colorado Interstate Gas Company (CIG), a Delaware Corporation, Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP87-519-000 and application pursuant to section 7(b) of the Natural Gas Act for authorizaiton to terminate service to the cities of Trinidad and Fort Morgan, Colorado, under Rate Schedules G-1 and PS-1 of CIG's FERC Gas Tariff, Original Volume No. 1. These Rate Schedules for Trinidad and Fort Morgan are pursuant to Service Agreements dated March 5, 1985 and September 27, 1985, respectively. CIG further seeks a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the establishment of service to the above mentioned cities under Rate Schedule SG-1, all as more fully set forth in the application on file with the Commission and open for public inspection.

CIG states that the city of Trinidad, Colorado requested a change in its Rate Schedule from the current G-1/PS-1 Rate to the SG-1 Rate by letter dated July 28, 1987, CIG also states that the city of Fort Morgan, Colorado requested a change in its Rate Schedule from the current G-1/PS-1 Rate to the SG-1 Rate by letter dated July 10, 1987.

Specifically, CIG states that termination of service under Rate Schedules G-1 and PS-1 would eliminate demand charge obligations for the above mentioned cities. CIG also states that the proposed daily volumetric entitlements for service under Rate Schedule SG-1 would result in a net increase of the average daily entitlements due to the elimination of a portion of the current entitlements which are seasonal in nature. CIG requests that the requested changes in service be authorized and made effective on such future date as the Commission accepts and places into effect rates which CIG may file in its next general rate case. In the alternate, CIG requests that, if the changes in

service are authorized and are to be made effective prior to such effective date for future rates, CIG be allowed the opportunity to revise its rates contemporaneously with the effective date of the revised service to Trinidad and Fort Morgan.

Comment date: October 9, 1987, in accordance with Standard Paragraph F at the end of this notice.

2. Gas Gathering Corp.

[Docket No. CP87-527-000]

Take notice that on September 8, 1987, Gas Gathering Corporation (Gas Gathering), P.O. Box 519, Hammond, Louisiana 70404, filed in Docket No. CP87-527-000 a request pursuant to §§ 157.205 and 284.223(b) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223(b)) for authorization to transport up to 15 billion Btu of natural gas per day for Amoco Production Company (Amoco) under the authorization issued in Docket No. CP86-129-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Gas Gathering proposes to transport the gas for Amoco pursuant to a transportation agreement dated June 1, 1987. Gas Gathering indicates that the primary term of the agreement expires June 30, 1987, but continues in effect on a month to month basis unless terminated by either party giving notice of termination not less than five days prior to commencement of each new contract month. Gas Gathering states that it would receive volumes of gas at the outlet of the existing measuring station owned and operated by Gas Gathering in St. Martin Parish, Louisiana and redeliver thermally equivalent volumes for the accunt of Amoco at the inlet to the existing measuring station owned and operated by Transcontinental Gas Pipe Line Corporation in Pointe Coupee Parish, Louisiana or at the outlet of Gas Gathering's meter in Pointe Coupee Parish, Louisiana. Gas Gathering also indicated it commenced a 120-day service for Amoco on June 1, 1987, and that Docket No. ST87-3101-000 was assigned to Gas Gathering's initial report.

Gas Gathering has submitted a statement indicating that it has no knowledge of any agency relationship under which a local distribution company or affiliate of the shipper would receive natural gas on behalf of the shipper. Gas Gathering also indicates that no new facilities would be required to implement the service. Gas Gathering also states that on a peak day, average day and annual basis, it would transport 15.0 billion Btu, 10.0 billion Btu and 3,650 billion Btu, respectively.

Comment date: November 2, 1987, in accordance with Standard Paragraph G at the end of this notice.

3. Gas Transport, Inc.

[Docket No. CP87-535-000]

Take notice that on September 10, 1987, Gas Transport, Inc. (Gas Transport), 109 North Broad Street, Lancaster, Ohio, 43132, filed in Docket No. CP87-535-000, a prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations. Gas Transport seeks authorization to transport natural gas on behalf of The Parkersburg Sanitary Board (Parkersburg) under Gas Transport's blanket transportation certificate issued in Docket No. CP86-291-000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Gas Transport states that, pursuant to a transportation agreement dated July 1, 1987, it proposes to transport natural gas on behalf of Parkersburg from a receipt point at Gravel Bank, Ohio, or other points of connection with Columbia Gas Transmission Corporation to a delivery point at the Parkersburg, West Virginia, interconnection with Hope Gas, Inc., which will make final delivery to Parkersburg. Gas Transport further states that the maximum daily, average daily and annual quantities would be 530 MMBtu, 141 MMBtu, and 51,540 MMBtu, respectively. Gas Transport states that service under § 284.223(a) of the Commission's Regulations commenced July 23, 1987, pursuant to the automatic 120-day authorization permitted by § 284.223 of the Commission's Regulations. Gas Transport also indicates that no facilities are required to be constructed to provide the proposed service for Parkersburg.

Comment date: November 2, 1987, in accordance with Standard Paragraph G at the end of this notice.

4. Northern Natural Gas Co., Division of Enron Corp.

[Docket No. CP87-522-000]

Take notice that on September 3, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern) 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP87-522-000, a request pursuant to Northern's blanket authority granted at Docket No. CP82-401-000 and § 157.205 of the Commission's Regulations for authority to construct three small-volume delivery points and appurtenant facilities to accommodate natural gas deliveries to Northern States Power Company of Wisconsin (NSP), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Northern requests authority to construct three small-volume delivery points to accommodate natural gas deliveries to the communities of Birch Hill, Grandad Bluff and Irish Hill, Wisconsin to be served by NSP. It is stated that the total estimated costs to construct the proposed facilities is $10,500. It is further stated that NSP will be required to make a contribution of $646 in aid of construction.

It is asserted that the estimated peak day and annual volumes to be delivered to NSP at the subject delivery points in the fifth year of service and their end-use would be as follows:

Delivery point	Quantity Mcf		End-use
	Peak day	Annual	
Birch Hill, WI	100	10,000	Residential.
Grandad Bluff, WI	90	7,700	Do.
Irish Hill, WI	120	12,500	Do.

It is maintained that the volumes delivered to NSP at the proposed delivery points would be within its currently authorized firm entitlement and therefore would have no impact on Northern's peak day and annual deliveries.

Comment date: November 2, 1987, in accordance with Standard Paragraph G at the end of this notice.

5. Southern Natural Gas Co.

[Docket No. CP87-529-000]

Take notice that on September 8, 1987, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP87-529-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Texas Eastern Transmission Corporation (Texas Eastern) and to modify certain facilities necessary for the transportation, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to the terms of a July 15, 1987, transportation agreement, Southern has agreed to transport for Texas Eastern for its own account and as agent for its existing sales customers, up to 40,000 Mcf of

natural gas per day (Transportation Quantity). It is stated that Texas Eastern would cause gas to be delivered to Southern for transportation at the following receipt points on Southern's contiguous pipeline system:

(i) The existing point of interconnection between the facilities of Texas Eastern and Southern near Mile Post 23.695 on Southern's Duck Lake-White Castle Loop Line, Iberville Parish, Louisiana (White Castle Point); and

(ii) The existing point of interconnection between the facilities of Southern and the outlet of the Venice processing plant in Plaquemines Parish, Louisiana (Venice Point); and

(iii) The existing point of interconnection between the facilities of Southern and Florida Gas Transmission Company near Mile Post 124.859 on Southern's Main Pass-Franklinton Pipeline, Washington Parish, Louisiana (Franklinton Point).

It is further stated that on any day of transportation, Southern would be required to accept a total volume up to the Transportation Quantity at the Venice and/or White Castle Points, except that Southern would determine in its sole discretion the allocation of the nominated volumes between the two points. It is also stated that Southern would redelivered to Texas Eastern at the existing point of interconnection between the facilities of Southern and Texas Eastern near Kosciusko, Attala County, Mississippi (Delivery Point), an equivalent quantity of gas less 3.25 percent of such amount which shall be deemed to be used as compressor fuel, company-use gas, and unaccounted for gas losses (Redelivery Quantity).

Southern states that the transportation agreement also provides that it would have the right to interrupt or curtail redeliveries to Texas Eastern of up to the total quantity of gas delivered by Texas Eastern to Southern on any day at Southern's option during the period from November 1 of each calendar year through March 31 of the following calendar year (Winter Season). However, it is stated that Southern (i) cannot exercise this right on any day in which Texas Eastern is curtailing its firm deliveries pursuant to Section 12 of Texas Eastern's FERC Gas Tariff; (ii) cannot exercise this right for more than three consecutive days; and (iii) cannot retain at any time an aggregate volume of Texas Eastern's gas in excess of 480,000 Mcf. It is also stated that Southern would give four hours notice to Texas Eastern of its intent to exercise its option to interrupt redeliveries of gas. Southern states that it would redeliver to Texas Eastern the aggregate of imbalance volumes resulting from Southern's interruption of redeliveries to Texas Eastern as soon as is mutually agreeable, but no later than April 30 following the Winter Season in which the interruption occurred.

Southern states that the transportation agreement provides that for the transportation service rendered each month, Texas Eastern would pay to Southern the sum of the following: (i) A reservation charge of $146,000 per month and (ii) a transportation charge consisting of an amount equal to the product of the monthly Redelivery Quantity times $0.01 per MMBtu. It is stated that this rate is a firm negotiated rate which is based on Southern's estimate of the revenue required to recover the cost of providing this service, considering the special benefits available to Southern not generally available to a transporter. It is further stated that Southern's right to interrupt or curtail the redelivery of Texas Eastern's transportation gas to help meet its peak day requirements provides a substantial benefit to Southern's customers in that this is an additional source of suply that is available without the incurrence of additional costs. It is indicated that in reaching this negotiated rate with Texas Eastern, Southern considered the unique gas supply benefit of this transportation service and a range of potential cost allocations based on evidence submitted during the hearing held in Southern's general rate proceeding pending in Docket No. RP86-63.

Southern states that the transportation agreement provides that should the Commission in any proceeding initiated by or applicable to Southern require or approve a rate higher than the rate charged Texas Eastern under the transportation agreement, or should the Commission allocate to this transportation service a portion of Southern's cost of service in excess of the revenues received by Southern under the transportation agreement, the transportation agreement would terminate. Accordingly, Southern requests that the certificate issued authorizing the transportation service include pre-granted abandonment authorization to be effective upon termination of the transportation agreement.

Southern further states that in order to permit it to receive gas from Texas Eastern, it would have to modify the existing meter station at the White Castle Point. Southern states that there are two meter runs at the White Castle Point which have both been used to enable Southern to flow gas to Texas Eastern. Southern proposes to reverse one of the meter runs for the flowing of gas from Texas Eastern to Southern. The proposed modification would provide sufficient metering and regulating capacity to accommodate the maximum Transportation Quantity of 40,000 Mcf of gas per day and at the same time retain the present capability of Southern to deliver gas to Texas Eastern, it is stated. Southern estimates the cost of the proposed modification of facilities to be $25,760 which will be financed initially by short-term financing and/or cash from current operations, and ultimately from permanent financing.

Comment date: October 9, 1987, in accordance with Standard Paragraph F at the end of this notice.

6. Southern Natural Gas Co.

[Docket No. CP87-528-000]

Take notice that on September 8, 1987, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202 2563, filed in Docket No. CP87-528-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon sales service to Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern proposes to abandon sales service to Texas Eastern on November 1, 1987. It is stated that Southern, as seller, and Texas Eastern, as buyer, are parties to a September 29, 1967, service agreement for the sale and purchase of gas in quantities up to 40,000 Mcf per day at an existing point of interconnection between Southern and Texas Eastern near Kosciusko, Attala County, Mississippi. It is stated that such service was authorized by order issued December 17, 1962, in Docket No. CP61-206. It is stated that the service agreement expires by its own terms on November 1, 1987. It is further stated that over the past five years Texas Eastern's purchases of gas from Southern have steadily declined. Southern states that by letter dated October 31, 1986, Texas Eastern informed Southern that subsequent to the expiration date of the agreement, Texas Eastern no longer desires to continue as a customer on Southern's system. Southern also states that it would not abandon any pipeline facilities in conjunction with the proposed abandonment of sales service to Texas Eastern.

Comment date: October 9, 1987, in accordance with Standard Paragraph F at the end of this notice.

7. Southern Natural Gas Co.

[Docket No. CP87-525-000]

Take notice that on September 4, 1987, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP87-525-000 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity for a term expiring on October 31, 1988, for the Mississippi Chemical Corporation (Mississippi Chemical), as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern proposes, to transport gas on behalf of Mississippi Chemical in accordance with the terms and conditions of a transportation agreement between Mississippi Chemical and Southern dated August 19, 1987. Subject to the receipt of all necessary governmental authorizations, Southern states that it has agreed to transport on an interruptible basis up to 60,000 MMBtu of gas per day purchased by Mississippi Chemical from SNG Trading Inc. Southern requests that the Commission issue a limited-term certificate for a term expiring on October 31, 1988. Southern states that the Agreement provides that Mississippi Chemical will cause gas to be delivered to Southern for transportation at the various existing points on Southern's contiguous pipeline system specified in Exhibit F to the Application. It is stated that Southern will redeliver to Mississippi Chemical at the Mississippi Chemical Meter Station in Yazoo County, Mississippi, an equivalent quantity of gas less 3.25 percent of such amount which shall be deemed to be used as compressor fuel and company-use gas (including system unaccounted-for gas losses); less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less Mississippi Chemical's pro-rata share of any gas delivered for Mississippi Chemical's account which is lost or vented for any reason.

Southern states that Mississippi Chemical has agreed to pay Southern each month the transportation rate of 34.8 cents per MMBtu of gas redelivered by Southern. Southern states that it will collect from Mississippi Chemical the GRI surcharge of 1.52 cent per Mcf or any such other GRI funding unit or surcharge as hereafter prescribed.

Southern states that the transportation arrangement will enable Mississippi Chemical to diversify its natural gas supply sources and to obtain gas at competitive prices. In addition, it is stated that Southern will obtain take-or-pay relief on gas that Mississippi Chemical may obtain from its supplies.

Comment date: October 9, 1987, in accordance with Standard Paragraph F at the end of this notice.

8. Texas Gas Transmission Corp.

[Docket No. CP87-524-000]

Take notice that on September 3, 1987, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP87-524-000, an abbreviated application pursuant to section 7(b) of the Natural Gas Act and Part 157 of the Regulations of the Federal Energy Regulatory Commission (Commission) seeking authorization to abandon a purchase of natural gas from United Gas Pipe Line Company (UGPL) with a contract demand of 428,570 Mcf, and three Worthington Compressors and related facilities located at Applicant Guthrie, Louisiana Compressor Station, which are dedicated to the nautral gas service rendered by UGPL to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its service agreement with UGPL would expire October 31, 1987. Applicant states that written notification of termination of the service has been provided by Applicant to UGPL on October 31, 1986. Applicant states that it has neither a short or long-term need for a continuation of the service beyond the contractual date of October 31, 1987. Applicant further states that any continuation of the contract beyond October 31, 1987, simply prolongs the substantial demand costs associated with maintaining UGPL's service without any corresponding benefit to Applicants customers. Finally, Applicant states that the compressor facilities sought to be abandoned would no longer be required after termination of the service agreement and the engines are operationally obsolete. Applicant seeks an effective abandonment date of November 1, 1987.

Comment date: October 9, 1987, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If not protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22093 Filed 9-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI79-48-001 et al.]

Application for Permanent Abandoment of Service; Chevron U.S.A. Inc.

September 21, 1987.

Take notice that on April 9, 1987, as supplemented on September 14, 1987, Chevron U.S.A. Inc. (Chevron), filed an application to abandon service due to an assignment dated July 21, 1986, effective September 1, 1986, to Angerman Associates, Inc. The purchasers, certificate docket numbers and rate schedule numbers are listing on the attached Exchibit A. This assignment covers all producing properties under the rate schedules shown in Exhibit A. Since Chevron no longer has an interest in these properties, it submits that the cancellation of the described rate schedules and abandonment of sales are appropriate and in the public interest. Chevron has retained some undeveloped acreage in areas near the producing leases. This acreage has not produced natural gas and Chevron currently has no plans to develop it. Chevron requests that it also be granted abandonment authorization for the undeveloped acreage which was retained.

The application was previously noticed on August 11, 1987, but inadvertenly was not published in the **Federal Register**.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in a proceeding must file a petition to intervene in accordance with the Commission's rules.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

EXHIBIT A

Purchaser	Rate schedule	Docket	Chevron contract
Carnegie Natural Gas Co.	625	CI79-48	NG-5059R
Columbia Gas Transmission Co.	642	CI79-82	NG-5051R
Columbia Gas Transmission Co.	603	CI78-306	NG-553R
Consolidated Gas Supply Corp.	612	CI78-1269	NG-5052R
Consolidated Gas Supply Corp.	661	CI79-232	NG-5057R
Consolidated Gas Supply Corp.	622	CI79-46	NG-5061R
Consolidated Gas Supply Corp.	619	CI79-25	NG-5063R
Consolidated Gas Supply Corp.	610	CI78-1252	NG-5064R
Consolidated Gas Supply Corp.	620	CI79-26	NG-5065R
Consolidated Gas Supply Corp.	607	CI78-1270	NG-5066R
Consolidated Gas Supply Corp.	611	CI78-1274	NG-5067R
Consolidated Gas Supply Corp.	616	CI79-15	NG-5068R
Consolidated Gas Supply Corp.	609	CI78-1266	NG-5073R
Consolidated Gas Supply Corp.	686	CI78-1282	NG-5075R
Consolidated Gas Supply Corp.	608	CI78-1261	NG-5076R
Consolidated Gas Supply Corp.	618	CI79-14	NG-5077R
Consolidated Gas Supply Corp.	627	CI79-45	NG-5079R
Consolidated Gas Supply Corp.	660	CI79-243	NG-5085R
Consolidated Gas Supply Corp.	658	CI79-233	NG-5086R
Consolidated Gas Supply Corp.	617	CI79-18	NG-5088R
Consolidated Gas Supply Corp.	613	CI78-1267	NG-5089R
Consolidated Gas Supply Corp.	621	CI79-19	NG-5090R
Consolidated Gas Supply Corp.	614	CI78-1248	NG-5161R
Consolidated Gas Supply Corp.	615	CI78-1273	NG-5075R
Consolidated Gas Supply Corp.	605	CI78-393	NG-5291R
Equitable Gas Co.	640	CI79-69	NG-5060R
Equitable Gas Co.	632	CI79-63	NG-5069R
Equitable Gas Co.	628	CI79-61	NG-5072R
Equitable Gas Co.	623	CI79-50	NG-5074R
Equitable Gas Co.	631	CI79-62	NG-5078R
Equitable Gas Co.	640	CI79-69	NG-5081R
Equitable Gas Co.	626	CI79-49	NG-5082R
Equitable Gas Co.	654	CI79-156	NG-5083R
Equitable Gas Co.	629	CI79-60	NG-5084R
Equitable Gas Co.	653	CI79-151	NG-5087R
Equitable Gas Co.	630	CI79-64	NG-5153R
Equitable Gas Co.	586	CI78-1052	NG-5299R
Gas Transport Inc.	674	CI79-497	NG-5265R
National Fuel Gas Supply Corp.	672	CI79-461	NG-5238R
Pennzoil Co.	681	CI80-54	NG-5058R

[FR Doc. 87-22096 Filed 9-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-894-000]

Application for Permanent Abandonment; Crone Oil Co., Inc.

September 18, 1987.

Take notice that on September 9, 1987, as supplemented on September 14, 1987, Crone Oil Company, Inc. (Crone), P.O. Box 1440, Lubbock, Texas 79401, filed an application requesting permanent abandonment of a sale of gas to Panhandle Eastern Pipe Line Company (Panhandle) from the Oil Development Co. No. 1 well (ODC #1) in Section 101, Block 45, H&TC Railway Co., Survey, Hansford County, Texas.

Crone states that Panhandle is unwilling to purchase the allowable and that the proposed new purchaser, Phillips 66 Natural Gas Company, will take the allowable under a five (5) year

contract for close to the spot market price. By letter dated August 18, 1987, Panhandle agreed to release the gas after abandonment authorization is granted. Deliverability is approximately 815 Mcf/d. The gas is NGPA section 104 flowing gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in a proceeding must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Crone to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22098 Filed 9-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI77-465-002 et al.]

Application; Enron Oil and Gas Co.

September 21, 1987.

Take notice that on September 14, 1987, Enron Oil & Gas Company (Enron), of P.O. Box 1188, Houston, Texas 77251 filed an application pursuant to section 7(c) of the Natural Gas Act, for a Certificate of Public Convenience and Necessity to continue certain sales of natural gas in interstate commerce for resale which were previously made by Belco Development Corporation (Belco Development), Belco Petroleum Corporation (Belco Petroleum) and BelNorth Petroleum Corporation (BelNorth), all as more fully shown in Appendix "C" and the application which is on file with the Commission and open for public inspection. Enron Oil & Gas Company also requests redesignation of the rate schedules of Belco Development Corporation, Belco Petroleum Corporation and BelNorth Petroleum Corporation as those of Enron Oil & Gas Company, shown on the attached Appendix "C".

By Certificate of Ownership And Merger Merging BelNorth Petroleum Corporation, Belco Development Corporation and HNG Oil Company into Enron Oil & Gas Company dated December 10, 1986, Belco Development and BelNorth were merged into Enron effective December 31, 1986.

By various prior assignments Belco Petroleum assigned to Belco Development various leasehold interests in Sublette and Lincoln Counties, Wyoming, San Juan and Eddy Counties, New Mexico, St. James Parish, Louisiana and Crockett and Glasscock Counties, Texas.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

APPENDIX C

Former rate schedule and docket No.	Purchaser	Location Field County, State	Contact Date
Belco Dev. #1, CI77-465	Colorado Interstate Gas Co	Natural Buttes Unit Area, Uintah County, Utah	06-20-74
Belco Dev. #2, CI60-66	Northwest Pipeline Corp	Bird Canyon Field, Sublette County, Wyoming	12-28-80
Belco Dev. #3, CI72-877	Northwest Pipeline Corp	Big Piney Field Sublette County, Wyoming	03-09-82
Belco Dev. #4, CI72-878	Northwest Pipeline Corp	East LaBarge Field, Sublette County, Wyoming.	10-13-80
Belco Dev. #5, CI73-5	Northwest Pipeline Corp	Big Piney Field, Sublette County, Wyoming	08-14-76
Belco Dev. #6, CI86-326	K N Energy Inc	North Shawnee—Flat Top Field, Converse County, Wyoming.	03-03-64
Belco Petroleum #1, G-19589	Northwest Pipeline Corp	Big Piney Field, Sublette & Lincoln Counties, Wyoming.	04-17-81 [1]
Belco Petroleum #4, G-16503	Mountain Fuel Resources Inc.	Big Piney Field Dry Piney Unit Area Sublette County, Wyoming.	12-07-78
Belco Petroleum #5, #6 and #14, G-20104, CI60-474, CI68-759.	Northwest Pipeline Corp	Big Piney and East LaBarge Fields, Sublette & Lincoln Counties, Wyoming.	07-01-80
Belco Petroleum #7, CI62-55	Mountain Fuel Resources Inc.	Birch Creek Area, Sublette County, Wyoming	12-06-78
Belco Petroleum #12, CI64-49	Northwest Pipeline Corp	Basin Pool Field San Juan County, New Mexico.	07-16-65
Belco Petroleum #17, CI73-26	Natural Gas Pipeline Co. of America.	Los Medanos Field, Eddy County, New Mexico.	06-02-72
Belco Petroleum #25, CI76-303	Northern Natural Gas Co	Ozona Field, Crockett County, Texas	12-01-75
Belco Petroleum #26, CI77-614	Mid-Louisana Gas Pipeline Co.	Hester Field, St. James Parish, Louisiana	05-04-77
Belco Petroleum #27, CI77-849	Apache Gas Company [2]	Crockett County, Texas	09-13-82 [1]
Belco Petroleum #28, CI78-77	Transwestern Pipeline Co	Carlsbad South Field, Eddy County, New Mexico.	04-02-80 [1]
Belco Petroleum #29, CI78-146	El Paso Natural Gas Co	Deadwood Fusselman Field, Glasscock County, Texas.	11-01-82 [1]
Belco Petroleum #30, CI78-162	Northwest Pipeline Corp	Big Piney Area, Sublette County, Wyoming	10-18-77

APPENDIX C—Continued

Former rate schedule and docket No.	Purchaser	Location Field County, State	Contact Date
Belco Petroleum #32, CI68-727	Northwest Pipeline Corp.	Green River Bend Field, Sublette County, Wyoming.	11-22-67
BelNorth Petroleum #1, CI86-55	Florida Gas Transmission Co.	Block 556, Matagorda Island Area, Texas	10-22-85

[1] Contract included herein.
[2] El Paso Natural Gas Company assigned its interest as purchaser in this transaction to Apache Gas Company, effective September 1, 1986. Attached hereto in Exhibit D is such assignment.

[FR Doc. 87-22099 Filed 9-23-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI80-3-004 et al.]

Corporate Name Change; FPCO Oil and Gas Co.

September 18, 1987.

Take notice that on September 11, 1987, FPCO Oil & Gas Co. (FPCO), of P.O. Box 60004, New Orleans, Louisiana 70160, filed an application notifying the Commission that the Corporate name of "Petro-Lewis Corporation" has been changed as a result of a merger to "FPCO Oil & Gas Co." as of May 1, 1987, and requesting that the certificates of public convenience and necessity and related FERC Gas Rate Schedules now designated in the name of Petro-Lewis Corporation be redesignated in the name of FPCO, all as more fully shown on the attached Exhibit "A". FPCO further requests that its name be substituted for that of Petro-Lewis Corporation in all proceedings now pending before the Commission, including the proceedings in Docket Nos. GP80-43-009 and GP86-1-000. This application is on file with the Commission and open to public inspection.

On May 1, 1987, the Secretary of State of the State of Colorado issued a Certificate of Merger to FPCO Merger Corp. authorizing and recognizing its merger with Petro-Lewis Corporation with the name of the surviving corporation being changed to FPCO Oil & Gas Co.

FPCO states that it will continue the sales of natural gas and the services heretofore authorized by the Commission to be made by Petro-Lewis Corporation, including those sales previously made and authorized under Petro-Lewis Corporation's small producer certificate in Docket No. CS72-204-001.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

EXHIBIT "A"

Docket No.	Purchaser	FERC GRS No.
CI80-3-001	Transcontinental Gas Pipe Line Corp.	2
CI81-506-000	Transcontinental Gas Pipe Line Corp.	3
CI83-221-000	Transcontinental Gas Pipe Line Corp.	4
CI86-749-000	Williams Natural Gas Co.	5

[FR Doc. 87-22100 Filed 9-23-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP87-536-000]

Application; High Plains Natural Gas Co., Wheeler Gas, Inc.

September 21, 1987.

Take notice that on September 11, 1987, High Plains Natural Gas Company (High Plains), P.O. Box 777, Canadian, Texas 79014, and Wheeler Gas, Inc. (Wheeler), Box 128, Miami, Texas 79059, filed in Docket No. CP87-536-000 a joint application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and abandonment of facilities and determination of service area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on July 28, 1987, High Plains and Wheeler entered into an Agreement of Purchase and Sale of Assets, wherein Wheeler agreed to sell all of its assets to High Plains. As a result of the purchase, Wheeler requests abandonment of its facilities and service, which are presently used in the transportation of natural gas in interstate commerce, and therefore require Commission authorization.

It is stated that High Plains requests a certificate authorizing the acquisition and operation of Wheeler's facilities. It is further stated that upon being merged into the existing High Plains corporate structure, Wheeler would function as a separate division of High Plains. It is stated that the facilities to be acquired comprise the existing Wheeler system. Furthermore, it is stated that such facilities are currently used and would continue to be used for the purpose of serving Wheeler's existing distribution customers. It is asserted that there would be no change in the service provided to Wheeler's customers as a result of the proposed acquisition, since the identical service which Wheeler currently provides with respect to the properties involved would now be provided by High Plains. It is stated that there would be no immediate change in the price of the natural gas sold to Wheeler's current customers as a result of the proposed transfer of assets. It is further stated that High Plains would be able to provide adequate, economical and reliable service to Wheeler's customers now and in the future.

Applicants requests that the Commission issue a certificate granting a service area determination for the existing Wheeler service area, so that High Plains may enlarge or extend facilities within the Wheeler service area without having to obtain Commission authority each time new facilities are added. Applicants assert that the grant of the determination would permit High Plains the needed flexibility to serve fully and efficiency

the customers on the Wheeler system. It is further asserted that such a determination would reduce the cost to High Plains' customers of future Commission filings and would relieve the Commission's resources of the burden of regulatory oversight not required by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practices and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission, approval for the proposed abandonment and determination of service are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the commission on its own believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for High Plains and Wheeler to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22101 Filed 9-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-899-000]

Application; Mobil Oil Corp.

September 18, 1987.

Take notice that on September 14, 1987, Mobil Oil Corporation (Mobil), Nine Greenway Plaza, Suite 2700, Houston, Texas, 77046, filed in Docket No. CI87-899-000 an application, pursuant to section 7(c) of the Natural Gas Act, and § 157.23 of the Federal Energy Regulatory Commission's Regulations thereunder, for an order granting permission and approval to abandon certain leasehold properties, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Mobil requests that the Commission issue an order granting Mobil a certificate, effective April 1, 1987, subject to Commission approval of Northwest Pipeline Corporation's Application To Abandon filed in CP87-502-000. Mobil will acquire, effective April 1, 1987, 100 percent of working interest in certain oil and gas leases and options for oil and gas leases located in the San Juan Basin area of Colorado. The proposed transfer of working interest would be effectuated in accordance with a Settlement Agreement between Northwest and Mobil dated July 17, 1987. Under the terms of the Settlement Agreement and subject to Commission and Department of Interior approval, Northwest has agreed to assign and reconvey to Mobil 100 percent of Northwest's current interest in the PLA-13 leasehold properties originally conveyed by General Petroleum Company (predecessor of Mobil) to Pacific Northwest Pipeline (predecessor of Northwest).

This effective date of transfer, April 1, 1987, of the subject properties is an integral part of the settlement. Mobil requests that the Commission approve the abandonment by transfer of its PLA-13 leasehold interests to Mobil and the certification of the sale by Mobil to be effective as of April 1, 1987.

It is stated that Northwest and Mobil have entered into a Gas Purchase Contract (GPK) dated April 1, 1987 to provide for the continued purchase by Northwest of volumes of gas to be produced from PLA-13 interests proposed to be transferred to Mobil. It is further stated that the price to be paid by Northwest for gas purchased under the GPK would be the lower of the applicable NGPA maximum lawful price or the current alternate fuel price. For pre-1973 production, Mobil states that the applicable NGPA ceiling price is to be the section 104 replacement contract rate unless such production qualifies for a higher NGPA price. It is indicated that the alternate fuel price is defined as 65 percent of the quarterly average of the high and low weekly quotes for Bunker C fuel oil in Seattle, Washington and Portland, Oregon, reduced by any third-party costs incurred by Northwest. Mobil states that the GPK also contains a market-out provision for further price adjustments if deemed necessary to enable Northwest to continue purchasing gas thereunder.

Mobil asserts that the assignment to Mobil described above is consistent with the public convenience and necessity. The Settlement Agreement represents a fair and reasonable compromise by the parties of disputed issues which would conclude long and costly litigation, it is stated. Mobil maintains that the implementation of the Settlement Agreement eliminates any future exposure which Northwest would otherwise have with respect to potential gas price increases resulting from escalating PLA-13 leasehold production which is currently committed to Northwest and its customers, including potential future development on the subject leases, would remain committed to Northwest and its customers under the GPK between Mobil and Northwest. Mobil indicated that the price to be paid for the gas purchased under the GPK does not exceed the value which Northwest otherwise would have placed on the gas as pipeline production in its PGA filings. Thus, the transfer of the assigned interest to Mobil would not increase the cost of gas produced from the assigned interest in PLA-13 properties to Northwest's customers, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Mobil to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22103 Filed 9-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. FA87-69-000]

Filing; Pacific Gas and Electric Co.

September 21, 1987.

Take notice that on September 14, 1987, Pacific Gas and Electric Company (PGandE) tendered for filing pursuant to Rules 216 of the FERC's Rules of Practice and Procedure, 18 CFR 385.216, a Notice of Withdrawal and requests Docket No. FA87-69-000 to be closed. PGandE states that in Docket No. FA87-69-000 it is collecting only DOE charges for Spent Nuclear Fuel Disposal Costs from its wholesale customers, therefore, a waiver is not required.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22102 Filed 9-23-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3267-1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the Federal Register a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT: Carla Levesque at EPA, (202) 382-2740 (FTS 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Policy, Planning, and Information Office of Solid Waste

Title: Survey of Hazardous Waste Generators (EPA ICR #1422). (New Collection).

Abstract: OSW will conduct a survey of hazardous waste generators to develop a comprehensive data base. OSW will use the information in implementing regulations mandated by the Hazardous and Solid Waste Amendments of 1984 (HSWA), and in other regulations pursuant to HSWA.

Respondents: Facilities that generate hazardous waste.

Estimated Annual Burden: 100,000.

Comments on the abstracts in this notice may be sent to:

Carla Levesque, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), Information and Regulatory Systems Division, 401 M Street, SW., Washington, DC 20460

and

Marcus Peacock, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3019), 726 Jackson Place, NW., Washington, DC 20503

Date: September 16, 1987.

Daniel J. Fiorino,

Director, Information and Regulatory Systems Division.

[FR Doc. 87-22053 Filed 9-23-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

September 17, 1987.

The Federal Communications Commission has submitted the following information collection requirement to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act (44 U.S.C. 3501 et sq.).

Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Terry Johnson, Federal Communications Commission, (202) 634-1535. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0298.

Title: Part 61, Tariffs (Other Than Tariff Review Plan).

Action: Extension.

Respondents: Businesses.

Frequency of Response: On occasion.

Estimated Annual Burden: 4,060 Responses; 511,560 Hours.

Needs and Uses: Federal law requires communication common carriers to establish just and reasonable charges, practices, and regulations for the services they provide. The tariffs containing these charges, practices, and regulations must be filed with the Commission to enable it to determine whether such tariffs are just, reasonable, and not unduly discriminatory.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-22017 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

[Report No. W-24]

Window Notice for the Filing of FM Broadcast Applications

Release: September 10, 1987.

Notice is hereby given that applications for vacant FM broadcast allotment(s) listed below may be submitted for filing during the period beginning September 10, 1987 and ending October 23, 1987 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

Channel—239 A:	
Trion	GA
Belle Plaine	IA
Winterset	IA
Farmington	IL
Attica	IN
Nappanee	IN
Vivian [1]	LA
Langdon	ND
Gibsonburg	OH
Shadyside	OH
Olyphant	PA
Graysville	TN
Channel—239 C1:	
Farmington	NM
Channel—239 C2:	
Oscoda	MI

[1] This allotment is subject to the final discussion regarding a case in front of the Court of Appeals. Reference 86-1045.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 87-21997 Filed 9-23-87; 8:45 am]
BILLING CODE 6712-01-M

Lottery Rankings of 900 MHz SMRS Applicants for the New Orleans, Richmond, Buffalo, Rochester and Norfolk Designated Filing Areas

August 28, 1987.

On July 31, 1987, the Federal Communications Commission conducted its fifth round of lotteries to select applicants to provide 900 MHz Specialized Mobile Radio (SMR) Service. These lotteries were used to rank applications in each of the following Designated Filing Areas (DFAs);

#27 New Orleans
#29 Norfolk
#31 Buffalo
#38 Rochester
#49 Richmond

List of the forty top-ranked applications in each of these Designated Filing Areas are attached to this Public Notice. The top 20 selectees in each DFA will be granted authorizations to provide SMR service. The next 20 ranked applicants will be alternate selectees should it be determined that any of the winners are not qualified to be licensees, or if any of the winners fail to provide the Commission with required transmitter site information within the specified time period. Within 30 days of the publication of this Public Notice in the **Federal Register,** interested parties may advise the Commission of any matter that may reflect on an applicant's qualifications to be a licensee. A copy of any such pleading must be served on the applicant in question on or before the day on which the document is filed with the Commission. *See* § 1.47(b) of the Commission's rules, 47 CFR 1.47(d). Service can be accomplished pursuant to § 1.47(d) of the Commission's rules, 47 CFR 1.47(d). Matters raised in such pleadings will be resolved prior to issuance of any license to the applicant. Individual applications may be examined at the Private Radio Bureau's Public Reference Room in Gettysburg, PA. Copies of individual applicants may be ordered from the Commission's copy contractor, International Transcription Services, at (717) 337-1433.

All applications ranked below number 40 are hereby dismissed and will not be returned to the applicants. There will be no individual notices of dismissal mailed to applicants. The Lottery Notice of July 16, 1987 contains the names and addresses of lottery participants.

For further information regarding the selection procedures, consult the November 4, 1986 Public Notice (1 FCC Rcd 543 (1986), 52 FR 1302 (January 12, 1987)) or contact Betty Woolford of the Land Mobile and Microwave Division at (202) 632-7125.

900 MHz SMR Applicants in the New Orleans DFA

Rank, and applicants name	Lottery code	File No.
Winners:		
1. Via Net Companies	871	045262
2. Holden, Dale L.	379	037831
3. McGee Communications Electronics, Inc.	551	035674
4. Electronic Distributing Corp.	266	041722
5. Richardson, Jr., Glen B.	710	049577
6. Selgrad, Robert W.	755	036073
7. Scott, Margaret A.	752	041253
8. James, John R.	408	046269
9. Russ Miller Communications, Inc.	728	036881
10. Lerner, Ira L.	489	035777
11. DB Mobilephone	237	042789
12. Johnson Communications	416	049930
13. Ketzel, Raymond W.	442	045958
14. Mobile Radio Service Co.	585	039311
15. Ram 900 MHz Communications, Inc.	692	039204
16. Stonnington, Nicholas H.	821	050484
17. Reyes, Sandra G.	706	042333
18. Ewens, James L.	281	046429
19. Harris Communications Co.	358	037803
20. Communications Sales & Service, Inc.	186	041915
Alternates:		
21. Eckholdt, Kent	260	040031
22. Armour Commications Services Co.	040	042202
23. Brilliant, Irving	111	047840
24. General Communications Co.	325	040619
25. Polokoff, John G.	665	046158
26. Steuart, Robert E.	814	044566
27. East Coast Cellular	259	051179
28. Elliot, Francis H.	271	036184
29. Haskey, Richard R.	362	049452
30. Denault, Jr., Herbert M.	241	040426
31. Stetter, John	813	046531
32. Pendas, Sr., Donald E.	652	035174
33. American Mobilphone Inc.	030	041040
34. May, Robert T.	539	047058
35. Mang, Beverly J.	522	044980
36. Longhorn Communications, Inc.	505	048508
37. Schnedl, John S.	748	035359
38. Moroney, Robert G.	589	046590
39. Burroughs, Jr., Benton	129	039611
40. Feldman, Stephen M.	286	048719

900 MHz SMR Applications in the Norfolk DFA

Rank, and applicants name	Lottery code	File No.
Winners:		
1. Waller, David L.	679	042296
2. Berman, Gordon	069	046042
3. Christiansen, Janet L.	123	045157
4. Nash, Rene	479	046569
5. Otto A. Trzos Co., Inc.	497	046927
6. Sinelli, Andrew R.	602	046926
7. Allegro Communications Co.	020	049244
8. Travel Paging Corporation of America	654	051020
9. Comm Well Sales & Engrg. Inc.	141	035201
10. Krafowetz, Joseph	358	040436
11. Castro, Gloria	115	041424
12. Bryant, John	098	048473
13. Palmer Communications Inc.	499	035018
14. Fisher Communications	235	039696
15. Boyd, Claudia G.	085	046420
16. Herman, Gregory L.	294	039771
17. Schuman, Albert	579	044781
18. Rawlinson, Carey L.	546	048068
19. Palomar Communications Inc.	500	043470
20. Elert Systems Corporation	212	038946
Alternates:		
21. Luby, Marjorie A.	403	045109
22. Smith, Bradford K.	607	036632
23. Johnston, Alan R.	331	045027
24. Cowell, Katherine S.	163	045206
25. Autophone Comm. & Electronics Inc.	040	046993
26. Corridor Communications Corp.	158	035597
27. Mazzei, Petra H.	427	045651
28. Battistini, Keith	056	050043
29. Fritz, Norman	249	046312
30. Cunningham Communications, Inc.	169	050020
31. Alert Electronics, Inc.	016	036948
32. Bryant, Ann L.	097	045788
33. Dune Corporation	200	035996
34. Olivett International, Inc.	491	035035
35. U.S. West Paging Inc.	661	044046
36. Kenney, Gerald	345	046929
37. Shea, William W.	591	043747
38. Payne, John W.	511	044090
39. Cutter Investments, Inc.	172	050265
40. Marshall, Greg	417	048081

900 MHz SMR Applications in the New Orleans DFA

Rank and applicant name	Lottery code	File No.
Winners:		
1. Davis, J. Michael	232	049088
2. Gray Communications Marketing, Inc.	352	036824
3. Stuart, Darry W.	839	037462
4. ECT Corporation	261	048528
5. Zeff, A. Robert	946	045852
6. Cecil, Karen Kennedy	153	049307
7. Zaidi, Tanweer	942	051162
8. Cliatt Communications	170	051239
9. Matthews Radio Service, Inc.	553	051208
10. Dalton, John J.	224	042860
11. Bell, Carl E.	080	037061
12. Ulie, Thomas	877	049265
13. Cockrum, Vickie D.	176	042807
14. IWL Communications, Inc.	414	050528
15. Evans, Charles J.	283	038762
16. Madigan, David M.	537	044305
17. Clinton, Joseph	172	038026
18. Hebert, Jamie E.	376	045760
19. McCabe, Robert A.	562	046731
20. Robson, James J.	726	041687
Alternates:		
21. Jehlik, Edward	425	037395
22. Luby, Marjorie A.	526	045110
23. Peterson, Barney	673	037422
24. Schira, Ronald J.	758	039238
25. Takaya, Cheri	848	044539
26. Young, Christopher W.	940	044953
27. Reavill, Elizabeth A.	712	044489
28. Advance Radio Inc.	009	047790
29. Morris, William L.	607	045366
30. Devine, Donald F.	244	040915
31. Durlew, Randall T.	134	043391
32. Raymart, L.J.	711	046739
33. Minadeo, Colleen A.	593	045718
34. Waxman, Marvin N.	908	048037
35. Lewinter, Anthony A.	509	047218
36. California Mobile Communications	139	035060
37. Weller, Robert R.	914	040366
38. K & R Industries Inc.	439	051379
39. Helsel, David	378	041626
40. Frontier Communications Inc.	323	036648

900 MHz SMR Applications in the Rochester DFA

Rank and applicant name	Lottery code	File No.
Winners:		
1. Two Way Radio Service	845	037559
2. Aalcom Communications	003	036352
3. Schempp, Albert H	727	050772
4. Kitzman, J. Andrew	441	035990
5. White III, H. Hunter	890	040269
6. Ross, Richard T.	710	038596
7. Sinelli, Andrew R.	765	046512
8. Huffman Communications Sales Inc.	392	035352
9. Santantonio, Ralph	721	036397
10. Wolfram, Duane E.	902	045751
11. Keithley, Carter E.	430	042668
12. Motor Carrier Radio Network Inc.	587	050779
13. Andersen, Kim W.	029	040101
14. Holland, Dan	379	044835
15. Pappas, Peter	632	042012
16. Digital Transervice Corporation	239	035596
17. Lawrence, Lauri	478	045093
18. Barker, Valentine R.	060	050228
19. LMR International Inc.	496	043867
20. Schuman, Albert	738	044635
Alternates:		
21. Novastar Corporation	605	047312
22. Gavin, Thomas	325	037137
23. Schiefele, James F.	729	036918
24. Foote Communications	301	037053
25. Bowker, Eleanor L.	100	041264
26. Sherwood, Stephen	755	045668
27. Stull, Charles C.	811	036394
28. Shults, William O.	759	041401
29. Sinelli, Paul R.	766	046507
30. Collier, Cristine L.	173	044764
31. Berkle, Frances H.	077	049337
32. Dal Bello, Paul G.	215	042438
33. Madigan, David M.	517	044306
34. Buda Jr., William C.	122	041566
35. Aldrich, Lyman D.	015	042843
36. Surrey, Walter S.	814	040817
37. Mitchell, Michael A.	575	036025
38. Racom Services Corporation	671	039109
39. Farrar, David W.	281	040567
40. Betterton, Floyd	083	036224

900 MHz SMR Applications in the Richmond DFA

Rank and applicant name	Lottery code	File No.
Winners:		
1. Hewell, Betty J.	310	043090
2. Wall Enterprises Inc.	711	040054
3. Schmidt, Terry L.	607	044795
4. Ginsberg, Richard	279	049135
5. Hankins, Elizabeth J.	292	044891
6. Sloan, Karen J.	638	044933
7. Esty Productions Inc.	234	047398
8. Comtran Associates, Inc.	158	042664
9. Kansas City Communications Ltd.	356	050083
10. Badar, Talat	047	049535
11. Jacobs, Joseph M.	336	043710
12. Miller, Ronald C.	473	043956
13. II Way Ltd.	325	035731
14. Styranovski, Myron	668	043606
15. Vader, Stephen L.	701	047247
16. G & S Communications Inc.	265	039391
17. Mays, Audie L.	447	037849
18. Allen, Fred C.	022	048053
19. McGaw, John E.	454	041172
20. Gavin, Thomas	273	037134
Alternates:		
21. Chatco Communication, Inc.	127	039408
22. Gatewood, Robert P.	270	045301
23. Brandon, Steven W.	091	046006
24. Wright, Katharine M.	737	044521
25. Burrell, Ira	110	051360
26. Kravetz Media Corporation	381	038807
27. Meyer, Stuart	471	036831
28. MCCA Service Corporation	450	039858
29. Ward, Thomas G.	717	050466
30. Liccardi, William J.	412	046079
31. Knight, Wendy Jo	373	049149

900 MHz SMR Applications in the Richmond DFA—Continued

Rank and applicant name	Lottery code	File No.
32. R. B. Management Services, Inc.	562	044204
33. Lima, Michael	413	046102
34. Selgrad, Robert W.	616	036074
35. O'Connell, Barbara	509	048163
36. Microwave Carphone, Inc.	472	050135
37. East Coast Cellular	215	051177
38. Capobianchi, Joseph D.	117	041307
39. Briedman, Brian J.	095	043023
40. Cohen, Judith S.	147	043837

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-21998 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1677]

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings

September 16, 1987.

Petitions for reconsideration and clarification have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202-857-3800). Oppositions to these petitions must be filed see § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (MM Docket No. 83-493, RM-4393 Number of petitions received: 1

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Greenup, Kentucky, and Athens, Ohio) (MM Docket No. 86-29, RM's 4941 & 5399) Number of petitions received: 1

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Conway, Hot Springs, Wrightsville, Fairfield Bay, Perryville, and Maumelle, Arkansas) (MM Docket No. 86-154, RM's 4968, 5068, 5360, 5439, 5483 & 5495) Number of petitions received: 1

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Ocilla, Georgia) (MM Docket No. 86-270, RM-5253) Number of petitions received: 1

Subject: Amendment of The Commission's Rules for Cellular Radio Service. (CC Docket No. 85-388, RM-5167) Number of petitons received: 14 Number of supplements received: 2

Note.—The above list includes all petitions for reconsideration filed in CC Docket No. 85-388, including those prior to September 8, 1987. The filing dates for responses is modified to correspond with this public notice.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-21996 Filed 9-22- 87; 8:45 am]

BILLING CODE 6712-01-M

[MMM Docket No.; File Nos. BPCT-861105KT et al]

Applications for Consolidated Hearing; Melvin Jones et al

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, City and State	File No.	MM Docket No.
A. Melvin Jones, Charleston, WV.	BPCT-861105KT	87-373
B. Jack L. McFadden, Sr., Virginia Jo McFadden and Alan R. Mevis, d/b/a/ Mountain Vista Television Co. Charleston, WV.	BPCT-870121KH	
C. Teesha Broadcasting, Ltd., Charleston, WV.	BPCT-870120KJ	
D. Carl M. Fisher, Charleston, WV.	BPCT-870121KK	
E. P. S. A., Inc., Charleston, WV.	BPCT-870121KN	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading Applicant(s)

Air Hazard, A, C, D, E
Comparative, A, B, C, D, E
Ultimate, A, B, C, D, E
See Appendix

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is

available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Steward, Chief,

Video Service Division, Mass Media Bureau.

APPENDIX—NON-STANDARIZED ISSUE(S)

Applicant(s)	
Melvin Jones	1. To determine with respect to Melvin Jones: (a) Whether, in his application (BPCT-860623KE) for a construction permit for a new television station on Channel 11, Sonora, Texas (MM Docket No. 86-458), the applicant misrepresented to the Commission the availability of his proposed transmitter site and so, the effect thereof on his basic qualification to be a Commission licensee; (b) Whether he complied with § 1.65 of the Commission's Rules by failing to update his application to report the unresolved misrepresentation issue in the Sonora, Texas, proceeding and, if not, whether the omission constitutes a misrepresentation or an attempt to conceal material facts and, if so, the effect thereof on his basic qualifications.
Carl M. Fisher	2. To determine, with respect to Carl M. Fisher: (a) The basis for, and the validity of, Carl M. Fisher's estimate of costs to build six new television stations and to operate them without revenues for three months. (b) Whether Carl M. Fisher has sufficient net liquid assets on hand or available from committed sources to construct and operate the six stations for three months without revenues; (c) Whether, in light of the evidence adduced pursuant to the foregoing issues, Carl M. Fisher is financially qualified; (d) Whether Carl M. Fisher falsely certified that, at the time each application was filed, he had sufficient net liquid assets on hand or available from committed sources to construct and operate the six stations for three months without revenues; that he had reasonable assurance of a present firm intention to provide funds by a bank, other financial institution, or other sources; that he could and would meet all contractual requirements as to collateral, guarantees, and capital investment; and that he determined that reasonable assurance existed that all such sources (except banks, financial institutions and equipment manufacturers) had sufficient net liquid assets to meet their commitments; (e) If issue (d), above, is resolved in the affirmative, the effect thereof on Carl M. Fisher's basic qualifications to be a Commission licensee.

[FR Doc. 87-22002 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 87-372, File Nos. BPCT-87033IK8]

Applications for Consolidated Hearing; John R. Powley et al

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, City, and State	File No.	MM Docket No.
A. John R. Powley, Longmont, CO.	BPCT-87033IK8	87-372
B. Colorado Broadcasters, Longmont, CO.	BPCT-870529KM	
C. Echonet Corp., Longmont, CO.	BPCT-870529LI	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the isses whose headings are set forth below. The text of each of these issues has been standardsized and is set forth in its entirely under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, Applicant(s)

1. Minimum Separation, A
2. Site Availability, A
3. Rule 73.685, B
4. Comparative, A, B, C
5. Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 87-22001 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 87-371; File No. BPH-851018 MF et al]

Applications for Consolidated Proceeding; Charles J. Saltzman et al

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. Charles J. Saltzman, Breaux Bridge, LA.	BPH-B851018MF	87-371
B. David Gregory Hays, Breaux Bridge, LA.	BPH-851028MZ.	
C. Baxter Broadcasting, Breaux Bridge, LA.	BPH-851115MW.	
D. Breaux Bridge Broadcasting, a partnership in Commendam, Breaux Bridge, LA.	BPH-851115MX.	
E. Breaux Bridge Broadcasters Limited Partnership, Breaux Bridge, LA.	BPH-851115MY.	
F. J. Warren Kirk, Breaux Bridge, LA.	BPH-851115MZ.	
G. Radio Breaux Bridge, LTD., Breaux Bridge, LA.	BPH-851115NI.	
H. Atchafalaya Broadcasting Co., Inc., Breaux Bridge, LA.	BPH-851115NJ.	
I. Breaux Bridge FM Group Limited Partnership, Breaux Bridge, LA.	BPH-851115NK.	
J. J.B.C., Inc., Breaux Bridge, LA.	BPH-851115NL.	
K. St. Martin Broadcasting Partnership, Breaux Bridge, LA.	BPH-851115NP.	
L. Jean Y. Hurley, Breaux Bridge, LA.	BPH-851115NS.	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for a hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, Applicant(s)

1. Comparative, All.
2. Ultimate, All.

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. the complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-22000 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Warner Robins Christian Academy et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant City, and State	File No.	MM Docket No.
A. Bible Baptist Temple, Inc. d/b/a, Warner Robins Christian Academy, Warner Robins, Ga.	BPED-850924MI	87-386
B. Augusta Radio Fellowship Institute, Inc., Byron, Ga.	BPED-860422MA	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name above is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, Applicant(s)

1. 307(b)-Noncommercial Educational, A, B
2. Contingent Comparative-Noncommercial Educational FM, A, B
3. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commissions duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-22015 Filed 9-23-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Appointment of Receiver; Phenix Federal Savings and Loan Association

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Phenix Federal Savings and Loan Association, Phenix City, Alabama on September 18, 1987.

Dated: September 21, 1987

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 87-22046 Filed 9-23-87; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Social Security Disability Program Demonstration Project; Electronic Industries Foundation; Independence Through Employment

SUMMARY: The Secretary of Health and Human Services announces the following demonstration project to be conducted under the authority of Public Law (Pub. L.) 96-265, section 505(a), as amended by Pub. L. 99-272, section 12101. Through its project entitled, "Independence Through Employment," the Electronic Industries Foundation (EIF) will test the effectiveness of its Projects With Industry (PWI) model in placing Social Security disability insurance (SSDI) beneficiaries into competitive employment. Section 222(a) of the Social Security Act will be waived to conduct this project, permitting direct referral of SSDI beneficiaries from the Social Security Administration (SSA) or the State agencies that make disability determinations for SSA, to EIF. We are publishing this notice to comply with 20. CFR 404.1599, which requires publication of a notice in the **Federal Register** before starting certain demonstration projects.

FOR FURTHER INFORMATION CONTACT: Malcolm H. Morrison, Social Security Administration, Office of Disability, 2223 Annex, 6401 Security Boulevard, Baltimore, Maryland 21235, Phone (301) 594-0301.

Background Information: The Social Security Disability Amendments of 1980, Pub. L. 96-265, section 505(a), as amended by Pub. L. 99-272, section 12101, directs the Secretary of Health and Human Services to develop and carry out experiments and demonstration projects designed to: (1) Encourage disabled beneficiaries to return to work, and (2) accrue trust fund savings or otherwise promote the objectives or facilitate the administration of Title II of the Social Security Act. Section 505 of Pub. L. 96-265 as amended by Pub. L. 99-272, section 12101, also authorizes the Secretary to waive certain provisions of the Social Security Act as is necessary to conduct these experiments and demonstration projects. This includes waiver of section 222(a) which requires SSA to refer disability beneficiaries to State vocational rehabilitation (VR) agencies.

Project Objectives: We are concerned there are many disabled beneficiaries who desire to return to competitive employment but for various reasons have not returned. The EIF PWI model placed over the years many disabled workers in gainful employment, and a pilot demonstration established that the model can be effective in helping SSDI beneficiaries return to work. An enhanced demonstration will test the following hypotheses:

(1) The EIF PWI model is effective for placing SSDI beneficiaries in competitive employment,

(2) The direct referral of SSDI beneficiaries will result in larger numbers of persons who wish to return to competitive employment, and

(3) The use of new computerized criteria for screening disabled beneficiaries for rehabilitation potential will increase the number of beneficiaries placed in competitive employment.

Description of the Demonstration Project: EIF has developed and implemented a PWI model which has placed more than 4000 disabled persons in competitive employment since 1977. In 1985 they received an SSA grant and began testing their model on SSDI beneficiaries and have found there are beneficiaries who want competitive employment and the EIF program can assist them to obtain such employment.

One problem which has persisted has been the identification of disabled persons suitable for the program. Numerous techniques to resolve this problem have been tried, but they are time-consuming and result in the intermittent identification of interested disabled beneficiaries. Accordingly, many people who would use EIF services remain unaware of their availability.

In this project, EIF will develop and implement new screening criteria to identify disabled persons who can benefit from the services of the demonstration project. Those persons then will be referred directly by SSA and the State agencies that make SSA disability determinations to the local EIF project site (Boston, Philadelphia, Omaha, San Francisco or Los Angeles) and offered their programs' services. Activities will be coordinated with the appropriate State VR agency to provide any necessary training or services needed by the program participant, and EIF will work with local private employers to identify specific jobs and skills necessary to fill those jobs. The individual will be placed in a job within his/her local community. All persons placed in competitive employment will be followed to evaluate their adjustment to employment.

Statutory and Regulatory Provision to Be Waived: Section 222(a) of the Social Security Act is being waived for the purpose of conducting this demonstration project. This Section requires that SSA refer disabled persons directly to State VR agencies. This waiver authorizes SSA to refer SSDI beneficiaries directly to EIF.

Authority: Sec. 505(a), Social Security Disability Amendments of 1980, Pub. L. 96-265, as amended by Pub. L. 99-272, Section 12101.

(Catalogue of Federal Domestic Assistance Programs No. 13.812–Assistance Payment-Research)

Dated: September 18, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

[FR Doc. 87-22069 Filed 9-23-87; 8:45 am]

BILLING CODE 4190-11-M

Family Support Administration

Statements of Organization, Functions and Delegations of Authority

Part M, Chapter M (Family Support Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (51 FR 1164, April 4, 1986 as amended most recently at 51 FR 35561, October 6, 1986) is amended to reflect the following organizational changes in the Family Support Administration (FSA) headquarters and regional components.

First, some revisions are being made in the functions and organization of the Office of Family Assistance (MH), the Office of Refugee Resettlement (MJ), the Office of Child Support Enforcement (MK), and the Office of Community Services (ML). Management and administrative functions in these offices are being transferred to the existing Office of Management and Information Systems (MB) in the Office of the Administrator. The state and federal information systems functions for the Office of Family Assistance, the Office of Refugee Resettlement and the Office of Community Services are being transferred to the Office of Management and Information Systems in the Office of the Administrator. The state systems function for the Office of Child Support Enforcement (OCSE) will remain in OCSE; the federal systems function in the OCSE is being transferred to the Office of Management and Information Systems in the Office of the Administrator. The financial management functions for the Office of Family Assistance, the Office of Refugee Resettlement, the Office of Child Support Enforcement and the Office of Community Services are being transferred to the Office of Financial Management (MF) in the Office of the Administrator. Responsibility for State Legalization Impact Assistance Grants is being assumed by the Office of Refugee Resettlement.

Second, some revisions are being made in the organization of the Office of Management and Information Systems (MB) as reflected in the revised functional statement.

Third, the Low Income Home Energy Assistance Program is being transferred from the Office of Family Assistance to the Office of Community Services (ML).

Fourth, the community development credit union programs were transferred from the Office of Community Services to the National Federal Credit Union Administration.

The changes are as follows:

1. In Chapter M, Section M.20 Functions, delete "B. The Office of Management and Information Systems," in its entirety and replace it with the following:

B. The Office of Management and Information Systems (OMIS) provides management and administrative support and analysis for FSA including personnel, staff development, support services, management analysis, and organizational studies. The Office serves as the focal point for liaison with FSA regional offices. It provides management and oversight of FSA internal systems and of state information systems which support all of FSA programs except the Child Support Enforcement program. It directs and coordinates services and support to meet FSA's space management, facilities services and voice and data telecommunications needs.

2. In Chapter M, Section M.20 Functions, delete "F. The Office of Family Assistance" in its entirety and replace it with the following:

F. The Office of Family Assistance (OFA) provides direction and technical guidance to the nationwide administration of the following programs: Aid to Families with Dependent Children (AFDC); Aid to the Aged, Blind and Disabled in Guam, Puerto Rico and the Virgin Islands; the U.S. Repatriate Programs; and Emergency Assistance program. It develops, recommends and issues policies, procedures and interpretations to provide direction to these programs. The Office assesses the performance of states in administering these programs; reviews state planning for administrative and operational improvements; and supports actions to improve program effectiveness. It directs reviews; provides consultations; and conducts necessary negotiations to achieve adherence to federal law and regulations in state plans for public assistance program administration.

3. In Chapter M, Section M.20 Functions, delete "G. The Office of Refugee Resettlement" in its entirety and replace it with the following:

G. The Office of Refugee Resettlement (ORR) plans, develops and directs implementation of a comprehensive program for domestic refugee and entrant resettlement assistance. The Office provides direction and technical guidance to the nationwide administration of programs funded from the ORR refugee and entrant resettlement appropriations. It develops, recommends and issues program policies, procedures and interpretations to provide program direction. The Office monitors and evaluates the performance of states and other public and private agencies in administering these programs and supports actions to improve them. It provides national leadership in development and coordination of national, public and private programs giving refugee and entrant assistance. The Office coordinates and provides leadership for policies and administration of State Legalization Impact Assistance Grants and serves as a focal point within the Department for issues related to the legalization program.

4. In Chapter M, Section M.20 Functions, delete "I. The Office of Community Services" in its entirety and replace it with the following:

I. The Office of Community Services (OCS) is responsible for administering: (1) The Community Services block grant and discretionary grant programs established by sections 672 and 681 of the Omnibus Reconciliation Act (OBRA) of 1981 (Pub. L. 97–35); (2) the close-out of the Community Services transition project grants authorized by section 682 of OBRA for implementation during Fiscal Year (FY) 1982, at the discretion of the state governments not electing to administer Community Services Block Grants in FY 1982, and the close-out thereof; (3) the programmatic close-out functions related to funds awarded by the Community Services Administration (CSA) in FY 1981 and prior years; and (4) the Low Income Home Energy Assistance Program.

5. Delete Chapter MB, Office of Management and Information Systems, in its entirety and replace it with the following:

MB.00 Mission. The Office of Management and Information Systems (OMIS), a staff office of the FSA, advises the Administrator in the areas of internal administration and management of FSA, internal information systems in FSA and external state automated systems designed to support all FSA programs except the Child Support Enforcement program. The Office provides leadership, guidance and liaison throughout FSA on administrative policies, procedures and activities including: personnel management, employee development, management studies and assessments, facilities, telecommunications, material management and similar supporting services. The Office serves as the focal point for liaison with FSA regional offices. It establishes policy, requirements, standards and guidelines for information systems internal to FSA and for state automated data processing (ADP) systems which support all FSA programs except the Child Support Enforcement program.

MB.10 Organization. The Office of Management and Information Systems is headed by the Associate Administrator who reports directly to the Administrator. The Associate Administrator also serves as the Associate Deputy Director for Information Systems Management, Office of Child Support Enforcement. The Deputy Associate Administrator assists the Associate Administrator in carrying out his/her responsibilities. The Office is organized as follows:

Office of the Associate Administrator (MB)
Division of Management and Regional Operations (MBl)
Division of State Systems Management (MB2)
Division of Federal Systems Management (MB3)
Division of Facilities and Telecommunications Management (MB4)

MB.20 Functions. A. Office of the Associate Administrator directs and coordinates all elements of the Office of Management and Information Systems; provides guidance and services to FSA staff and program components, in accordance with HHS and other federal policy, in the following areas: Personnel; administrative procedures, policies and requirements; support services; facilities and telecommunications; and management analysis. The Office directs activities to plan, budget, direct, promote and control information technology for AFDC, Refugee and Community Services programs and internal operations. It provides oversight of relationships between FSA headquarters and FSA regional offices to insure effective operations, communications and regional representation on FSA issues. The Office coordinates implementation of the Equal Opportunity and Affirmative Action programs for FSA in accordance with departmental policies and procedures.

B. Division of Management and Regional Operations provides oversight and direction to meet the administrative, management and operational needs of FSA components. The Division provides liaison between FSA components and the Office of the Assistant Secretary for Personnel to provide personnel services including position management, recruitment, employee relations and staff development. It manages the performance recognition systems and the system of awards for FSA. It maintains systems to track personnel actions and to keep FSA informed about employee programs and benefits.

The Division provides administrative and support services to FSA components including coordination of services for equipment, supplies, mail, messenger, printing, publication distribution, small purchases, forms / records management, payroll and travel. It plans, organizes and conducts management studies, analysis and evaluations of administrative, management and functional processes. It studies structural, functional and operational problems of interest to the Administrator. The Division acts as liaison with the Assistant Secretary for Management and Budget to coordinate organizational proposals requiring Secretarial approval and to coordinate and track OMB reports clearance requirements and other organization management requirements; maintains official organizational files for FSA; prepares formal program, administrative and personnel delegations of authority for the Administrator. The Division coordinates and tracks administrative plans for personnel, management improvement plans snd productivity improvement plans.

It serves as the FSA focal point for liaison between FSA regional offices and the Administrator on region-related matters; supports the FSA Regional Administrators in administering regional office activities and establishing and implementing crosscutting program and operational initiatives; develops and implements systems and procedures for communicating with the regional offices and for monitoring and evaluating regional office operations; plans for the utilization of regional resources to accomplish approved objectives; develops work measurement techniques and tools and provides tracking and evaluation of the use of regional resources; works with FSA components to plan and clarify requirements placed on regional offices; monitors regional involvement in operational planning initiatives to assure fulfillment of FSA goals and objectives; collects and analyzes information on regional program, operational and administrative

issues for submission to the Administrator.

C. Division of State Systems Management reviews and analyzes state requests for federal financial participation for automated systems development activities which support FSA's programs, except the Child Support Enforcement programs. It provides assistance to states in developing or modifying automation plans to conform to federal requirements; recommends approval/disapproval of state funding requests. The Division monitors approved state systems development activities; conducts periodic reviews to assure state compliance with regulatory requirements applicable to automated systems supported by federal financial participation. It provides guidance to states on functional requirements for these automated information systems. It promotes interstate transfer of existing automated systems and provides assistance and guidance to improve FSA through the use of automated systems. It provides guidance to states on automated systems security and privacy protection and monitors state compliance with data utilization and safeguarding requirements.

D. The Division of Federal Systems Management oversees and coordinates computer systems design, development, maintenance and services to FSA programs. It provides technical assistance on automated systems to state and local agencies for Federal Parent Locator Services, Federal Tax Refund Offset Service and Project 1099; designs, develops and implements application systems to support FSA program requirements; manages and maintains management information systems for all FSA components.

The Division coordinates the design, development and implementation of the National Integrated Quality Control System with the Food and Nutrition Service of the Department of Agriculture and the Health Care Financing Administration. The Division manages, maintains and operates the agency mainframe computer center and telecommunications network; provides for the planning, procurement, and implementation of computer center upgrades as appropriate for support of FSA program initiatives. It develops long-range ADP plans; develops the information resource management (IRM) policy, procurement plan and budget and monitors the approved plan/budget for potential overruns in the area of equipment leases, telecommunications services and service contracts. The Division coordinates the development of the FSA ADP Security Management Plan and enforces ADP directives to ensure compliance; maintains an inventory of ADP equipment and software; develops and implements procurement strategies for major ADP acquisitions. The Division manages, maintains and operates FSA's minicomputers and network of personal computers; provides for equipment and software acquisition, maintenance and user support for end-user computing and for executive information systems; manages an information center offering services such as design assistance, application evaluation, user training, new product evaluation, and specialized technical assistance.

E. The Division of Facilities and Telecommunications Management directs and coordinates services and support to meet FSA's space management, facilities services and voice and data telecommunications needs. It develops and implements policies, standards, programs and procedures to assure adequate general services for FSA. The Division develops and implements FSA's space and facilities management plans and activities, including identification and negotiations for office space, allocations of space, coordination of physical moves, and planning and design of office layouts. It serves as liaison with HHS, General Services Administration (GSA) and outside vendors to provide facilities services including acquisition of facilities and equipment, building security, property management, inventory control, health and safety programs, labor services, facilities for handicapped employees and parking. In coordination with FSA program and staff offices, the Division develops telecommunications plans and places orders for voice and data communications services; provides liaison with HHS, GSA and private communications firms on telecommunications matters; provides assistance to FSA components to identify telecommunications needs and to use communications equipment and systems; monitors standard level user charges and telecommunications charges; and assists with budgetary projections and cost estimates for telecommunications services.

6. Delete Chapter MH, Office of Family Assistance, and replace it in its entirety with the following:

MH.00 Mission. The Office of Family Assistance (OFA) provides direction and technical guidance to the nationwide administration of the following public assistance programs: Aid to Families with Dependent Children (AFDC); Aid to the Aged, Blind and Disabled in Guam, Puerto Rico and the Virgin Islands; the Emergency Assistance Program and the U.S. Repatriate Programs.

OFA develops, recommends and issues policies, procedures and interpretations to provide direction to these programs. The Office assesses the performance of states in administering these programs; reviews state planning for administrative and operational improvements; and supports actions to improve program effectiveness. It directs reviews; provides consultations; and conducts necessary negotiations to achieve adherence to federal law and regulations in state plans for public assistance program administration.

MH.10 Organization. The Office of Family Assistance, under the leadership of the Director, is a program component of the Family Support Administration and consists of:

The Office of the Director for Family Assistance (MH)
The Immediate Office of the Director for Family Assistance (MH)
The U.S. Repatriate Program Staff (MHC)
Division of Policy (MHC1)
Division of Quality Control (MHC2)
Division of Program Evaluation (MHC3)
Division of Work Programs (MHC4)

MH.20 Functions. The functions of the organizational elements of OFA are as follows:

A. The Office of the Director for Family Assistance is directly responsible to the FSA Administrator for carrying out OFA's mission and providing direction, leadership, guidance and general supervision to the principal components of OFA. The Office is headed by the Director for Family Assistance. The Deputy Director assists the Director in carrying out his/her responsibilities and performs other duties as prescribed.

B. The Immediate Office of the Director for Family Assistance provides the Director and Deputy Director with staff assistance on the full range of their responsibilities. It provides management support and analysis and administrative support for OFA; ensures coordination and integration of operational activities among OFA components; receives, controls and coordinates replies to all public, congressional and federal inquiries on administrative and national welfare issues; and provides liaison with the Office of Communication to promote FSA's public affairs programs and initiatives.

C. The U.S. Repatriate Program Staff provides policy development and operational direction for the U.S.

Repatriate Programs and State Emergency Welfare Preparedness.

D. Division of Policy formulates national policy for the Aid to Families with Dependent Children (AFDC) and Emergency Assistance (EA) programs and the Aid to the Aged, Blind, and Disabled program in Guam, Puerto Rico and the Virgin Islands. The Office develops regulations for these programs to implement new legislation, court decisions, or directives from the Family Support Administration (FSA); consults with FSA regional offices, states, and other appropriate agencies on the meaning and application of federal policies for these programs; develops policy interpretations as necessary; responds to public, congressional or interest group inquiries concerning OFA policies and procedures.

The Division reviews state plan amendments and proposed implementing instructions for adherence to national policy; takes actions to disapprove state plan amendments based upon recommendations from the FSA Regional Administrators; monitors state compliance with federal laws and regulations and recommends compliance actions to the FSA Office of Policy; and promotes cross-program policy initiatives and policy simplification to support FSA objectives.

The Division develops and recommends OFA legislative proposals and the OFA position on non-Administration legislative proposals; and prepares briefing materials and testimony for the OFA Director, FSA Administrator, or the Secretary.

It provides support to the FSA General Counsel by developing the OFA position on court actions, including the preparation of affidavits and discovery requests.

It evaluates quality control (QC) operating instructions for consistency with OFA policies and advises the FSA regional offices on state appeals of QC difference findings; evaluates studies performed by federal audit agencies or other third parties and prepares comments which reflect the OFA perspective; ensures that all OFA policies are tracked and uniformly disseminated to states and other appropriate parties; and maintains historical files of OFA-related legislation, regulations and precedent policy directives. In addition, it reviews research and demonstration proposals for policy implications and provides consultation on operating projects.

E. Division of Quality Control develops policies, standards, procedures and guidelines for the operation of the federal/state AFDC quality control (QC) system, including statistical and program aspects of the program; establishes, maintains and evaluates the effectiveness of the federal monitoring of the state quality control operation, including technical and operating policies necessary to conduct federal subsample review of the states' sample case findings; and provides guidance and assistance to states and FSA regional offices on federal/state quality control procedures and systems. It conducts on-site reviews to appraise FSA regional office and state agency adherence to QC statistical methods and review procedures.

The Division coordinates the AFDC/QC system with the QC systems of the Food & Nutrition Service (FNS) and the Health Care Financing Administration (HCFA/Medicaid), including coordination with these agencies on the National Integrated Quality Control Data Processing System (NIQCDPS).

It analyzes QC findings and consolidates state and federal findings; establishes states' official error rate and the amount of the disallowance as prescribed by statute and regulations; compiles QC findings into a national report based on data derived from the QC system; assists in the corrective action process by providing data analysis, recommending corrective actions and by reviewing state corrective action plans and progress reports.

F. Division of Program Evaluation develops research issues on OFA programs in response to FSA priorities and formulates research questions to be resolved through data analysis and/or experimental, research, pilot and demonstration projects; coordinates with FSA components to undertake research, demonstration and pilot projects to strengthen FSA program interfaces and to reduce long-term welfare dependency; maintains responsibility for OFA's annual research and demonstration project funding cycle and for monitoring of projects. It conducts program analyses of AFDC data and other related data in support of FSA legislative proposals, congressional testimony and program initiatives; and promotes and disseminates information on useful and tested program practices.

The Division develops issues and evaluates national program performance standards for determining the effectiveness of state and local agency public assistance program administration; collects, compiles and publishes statistical and other data on OFA programs; and maintains current and historical data on state plans and program characteristics.

It develops national corrective action strategies; assesses, tracks and evaluates state corrective action activities; establishes and implements equitable criteria and processes for evaluating state quality control waiver requests; and develops national goals and assists FSA regional offices in setting guidelines to help states monitor and improve program effectiveness and efficiency.

G. Division of Work Programs provides direction, consultation and guidance to promote cost-effective work opportunity programs for AFDC applicants and recipients as an alternative to welfare dependency. The Division develops regulations and program instructions implementing legislation or interpreting existing work program policies; and provides liaison with states, FSA regional offices, the Congress, other federal agencies and public interest groups to develop consistent work program policies and appropriate related services for welfare applicants/recipients.

It develops and implements strategies to assist states in establishing expanding and/or improving work programs including: the conduct of needs assessments; identification of successful practices; and information exchange through technology transfers, publications and resource networks. The Division defines work program research issues and formulates research questions to be resolved through experimental, research, pilot and demonstration projects; determines work program project content and approach; prepares and publishes announcements of availability of project grants and contracts; evaluates applications and proposals; monitors program projects to ensure objectives are met; synthesizes and interprets findings from work program activities to formulate further research activities to provide assistance to state/local agencies on effectively operating work programs.

7. Delete Chapter MJ, Office of Refugee Resettlement, and replace it in its entirety with the following:

MJ.00 Mission. The Office of Refugee Resettlement (ORR) plans, develops. and directs implementation of a comprehensive program for domestic refugee and entrant resettlement assistance. The Office provides direction and technical guidance to the nationwide administration of programs funded from the ORR refugee and entrant resettlement appropriations. It develops, recommends, and issues program policies, procedures and interpretations to provide program direction. The Office monitors and evaluates the performance of states and

other public and private agencies in administering these programs and supports actions to improve them. It provides national leadership in the development and coordination of national public and private programs giving refugee and entrant assistance.

The Office also plans, develops and directs implementation of state legalization impact assistance grants. The Office provides direction and technical guidance to the nation-wide administration of federal financial assistance to states from Immigration Reform and Control Act appropriations. It develops, recommends and issues policies, procedures and interpretations and monitors grant activities.

MJ.10 Organization. The Office of Refugee Resettlement, under the leadership of the Director, is a program component of the Family Support Administration and consists of:

The Office of the Director of Refugee Resettlement (MJ)
Immediate Office of the Director (MJF)
Division of Operations (MJF1)
Division of Policy and Analysis (MJF2)
Division of State Legalization Assistance (MJF3)
Florida Office (MJF4)

MJ.20 Functions. The functions of the organizational elements of ORR are as follows:

A. The Office of the Director of Refugee Resettlement is directly responsible to the FSA Administrator for carrying out ORR's mission. These responsibilities include: Coordinating with the lead refugee and entrant program offices of other federal departments; providing leadership in representing refugee and entrant programs, policies and administration to a variety of governmental parties; acting as the coordinator of the total refugee and entrant resettlement effort for FSA and the Department; coordinating and providing leadership for policies and administration of the legalization assistance grants to a wide variety of public and private parties.

The Office is headed by the Director of Refugee Resettlement who provides general supervision to the major components of ORR and is responsible for the efficient and effective utilization of the resources of the Office. The Deputy Director assists the Director in carrying out his/her responsibilities and performs other duties as prescribed.

B. The Immediate Office of the Director provides the Director with staff assistance on the full range of his/her responsibilities.

C. The Division of Operations provides direction for the operation and implementation of the ORR refugee and entrant domestic assistance programs. It monitors state-administered domestic assistance programs and develops guidance and procedures for their implementation; designs strategies for providing assistance to state and local agencies, refugee/entrant self-help groups and voluntary agencies; recommends, to the Director, service priorities to be initiated as demonstration or pilot projects designed to promote the self-sufficiency and social/economic integration of refugees/entrants; and oversees the programmatic implementation of grants and contracts associated with national discretionary activity.

The Division has responsibility for implementing and monitoring other domestic assistance and service initiatives undertaken by ORR, such as the voluntary agency program, targeted assistance, alternative resettlement strategies and other activities as specified by the Director or required by congressional mandate.

It provides guidance to the regions in reviewing and approving state plans, and monitors state systems to ensure compliance with ORR policies with respect to cash and medical assistance and social services programs.

D. The Division of Policy and Analysis directs the development and interpretation of policy and regulations for the refugee and entrant programs. It develops priorities among various types of refugee and entrant assistance services taking into consideration funding availability, predicted effectiveness of options and emergent needs of new refugees. In accomplishing these tasks, it assures adequate involvement, comment and review from a variety of interested and knowledgeable parties.

The Division develops goals, criteria and standards for the refugee and entrant programs and designs evaluations of the technical aspects of program implementation. Based on reviews, analyses, assessments and evaluations, it makes recommendations on changes in program policy, operations and administration.

The Division collects data and performs analyses on the changing needs of the refugee and entrant population, providing direction in the design of needs assessments conducted by itself or other entities. The Division provides leadership to identify data needs and sources, formulates data and reporting requirements; and assists FSA regional offices, states and private agencies on data reporting and the resolution of reporting problems. It assures that legislative requirements are defined and met and seeks legal interpretation where such requirements or intent may be unclear. The Division makes recommendations concerning aspects of legislation that require amendment; prepares reports required by statute, congressional requests, and Department needs; and prepares legislative, regulatory, operational and policy recommendations based on program analysis.

E. Division of State Legalization Assistance directs all aspects of State Legalization Impact Assistance Grants, including development and interpretation of policy and regulations, coordination and direction of initiatives involving the use of federal funds in programs serving legalized aliens, preparation of annual reports to Congress, and serving as a focal point within the Department for issues related to the legalization program. The Division also directs implementation of legalization assistance grants, to include monitoring and grant review activities, and the collection and analysis of data relevant to the allocation formula and the use of funds.

F. Florida Office. As an out-stationed headquarters component, the Florida Office provides information and referral services, consistent with available resources, to refugees/entrants, service providers and state and federal agencies in the state of Florida. It maintains data on refugees and Cuban/Haitian entrants and provides such information as needed to national, state and local agencies working with these populations. The Office coordinates state and local resettlement activities to ensure compliance with resettlement policy; serves as the ORR contact with state and local officials and public and private agencies involved with refugee resettlement activities; and carries out refugee and entrant program duties and responsibilities with respect to the state of Florida, that are carried out for other states by the FSA regional offices.

8. Delete Chapter MK, Office of Child Support Enforcement in its entirety and replace it with the following:

MK.00. Mission. The Office of Child Support Enforcement (OCSE) provides direction, guidance and oversight to the states' Child Support Enforcement program (CSE) and for activities authorized and directed by title IV–D of the Social Security Act and other pertinent legislation. The general purpose of the CSE legislation is to require states to develop programs for establishing and enforcing support obligations by locating absent parents, establishing paternity when necessary and obtaining child support. The specific responsibilities of this office are to:

Develop, recommend and issue policies, procedures and interpretations for state programs for locating absent parents, establishing paternity, and obtaining child support; develop procedures for review and approval or disapproval of state plan material; conduct complete audits of state programs at least once every three years to assure their conformity with appropriate requirements and to determine whether the actual operation of such programs conforms to federal requirements, and conduct other such audits as may be necessary; assist states in establishing adequate reporting procedures and maintaining records for the operation of the CSE programs and of amounts collected and disbursed under the CSE program and the costs incurred in collecting such amounts; provide assistance to the states to help them develop effective systems for establishing paternity and collecting child support; certify applications from states for permission to utilize the courts of the United States to enforce court orders for support against absent parents; operate the Federal Parent Locator Service; certify to the Secretary of the Treasury amounts of child support obligations that require collection in appropriate instances; submit an annual report to Congress on all activities undertaken relative to the CSE program; approve advanced data processing planning documents; review, assess and inspect planning, design and operation of state management information systems.

MK.10. Organization. The Office of Child Support Enforcement, under the leadership of the Director, is a program component of the Family Support Administration and consists of:

Office of the Director (MK)
Immediate Office of the Director (MK)
Office of the Associate Deputy Director (MKC)
Audit Division (MKC1)
Program Operations Division (MKC2)
Policy and Planning Division (MKC3)
Office of the Associate Deputy Director for Information Systems Management (MKE)
State Child Support Enforcement Systems Management Division (MKE1)

MK. 20. Functions. A. Office of the Director. The Director is also the Administrator for the Family Support Administration and is directly responsible to the Secretary of Health and Human Services for carrying out OCSE's mission. The Director delegates day-to-day operational responsibility for Child Support Enforcement programs to the Deputy Director, the Associate Deputy Director and/or the Associate Deputy Director for Information Systems Management. The Deputy Director assists the Director in carrying out his/her responsibilities and performs other duties as prescribed. The Associate Deputy Director is delegated day-to-day responsibility for OCSE's Audit, Program Operations and Policy and Planning Divisions. The Associate Deputy Director for Information Systems Management is delegated day-to-day responsibility for OCSE's State Child Support Enforcement Systems Management Division and also serves as the Associate Administrator, Office of Management and Information Systems in the office of the Administrator. The Office is responsible for establishing regulations, guidance and standards for states to observe in locating absent parents; establishing paternity and support obligations and enforcing support obligations; maintaining relationships with department officials, other federal departments, state and local officials, and private organizations and individuals interested in the CSE program; coordinating and planning child support enforcement activities to maximize program effectiveness and approving all instructions, policies and publications issued by OCSE staff.

B. The Immediate Office of the Director provides the Director, Deputy Director and Associate Deputy Directors with staff assistance on the full range of their responsibilities. It provides management and administrative support for OCSE including the execution of OCSE's budget; the conduct of special projects; and the coordination of OCSE's operational planning activities. In coordination with FSA's Office of Communication, it plans, designs and executes OCSE's public affairs program by communicating policies, activities and available service to the public.

C. The Office of the Associate Deputy Director provides day-to-day operational guidance and supervision to OCSE's Audit, Program Operations and Policy and Planning Divisions. He/she coordinates OCSE activities in these functional areas and advises the OCSE Director and Deputy Director on critical issues related to these areas.

1. Audit Division. As required by section 452(a)(4) of the Social Security Act (the Act), the Audit Division develops, plans, schedules and conducts periodic audits of state CSE programs in accordance with audit standards promulgated by the Comptroller General of the United States.

The Division conducts Program Results/Performance Measurements audits pursuant to the penalty provision of section 403(h) of the Act, to determine whether the actual operation of CSE programs in each state is effective and conforms to federal requirements; develops and conducts full-scope administrative cost audits of the states' Child Support Enforcement program to assess adequacy of financial operations and compliance with applicable laws and regulations; performs other audits and examinations of program operations as may be necessary or requested by program officials for the purpose of improving the efficiency, effectiveness and economy of state and local child support activities; develops consolidated reports for the Director and Deputy Director, OCSE, based on findings; provides specifications for the development of audit regulations and requirements for audits of state CSE programs; and coordinates and maintains effective liaison with the HHS Inspector General's Office and with the General Accounting Office (GAO).

2. Program Operations Division assesses state performance and provides information and assistance on program operations . It monitors implementation of program requirements; develops guides and resource materials for use by states and FSA regional offices; documents specialized program techniques for use by states and local agencies; and ensures transfer of best practices among state and local support enforcement agencies. The Division provides specialized services and operation of the Federal Parent Locator Service, the Federal Tax Refund Offset Program and the Parental Kidnapping Service. It develops and publishes informational materials and operates an information clearning-house and research center on child support programs; and monitors contracts with organizations affiliated with child support programs.

3. Policy and Planning Division formulates national policy on the CSE program; provides policy guidance and interpretations to states in developing and operating their programs according to federal law. It develops legislative proposals and regulations to implement new legislation, court decisions or directives from higher authority. The Division develops procedures for review and approval of state plans by the OCSE regional offices. It develops and monitors research, interstate, and other demonstration and evaluation studies and publishes program statistics.

D. The Office of the Associate Deputy Director for Information Systems Management also serves as the Associate Administrator, Office of Management and Information Systems

in the Office of the Administrator, FSA. He/she provides day-to-day operational guidance and supervision to OCSE's State Child Support Enforcement Systems Management Division. He/she coordinates OCSE activities in this functional area and advises the OCSE Director and Deputy Director on critical issues related to this area.

1. State Child Support Enforcement Systems Management Division reviews and analyzes state requests for federal financial participation for automated systems development activities which support state/local Child Support Enforcement programs; provides assistance to states in developing or modifying automation plans to conform to federal requirements; recommends approval/disapproval of state funding requests. The Division monitors approved state systems development activities; conducts certification reviews to assure state compliance with regulatory requirements applicable to automated systems supported by federal financial participation.

It provides guidance to states on functional requirements for automated information systems which support Child Support Enforcement programs. It promotes interstate transfer of existing automated systems by assisting states with identifying donor candidates for transfer, providing technical support to states during the transfer process and providing appropriate documentation of existing systems. The Division provides assistance and guidance to improve Child Support Enforcement programs through the use of automated systems. It provides guidance to states on automated systems security and privacy protection and monitors state compliance with data utilization and safeguarding requirements.

9. Delete Chapter ML, Office of Community Services, and replace it in its entirety with the following:

ML.00 Mission. The Office of Community Services (OCS) is responsible for administering: (1) The Community Services block grant and discretionary grant programs established by Sections 672 and 681 of the Omnibus Reconciliation Act (OBRA) of 1981 (Pub. L. 97-35); (2) the close-out of Community Services transition project grants authorized by section 882 of OBRA for implementation during Fiscal Year (FY) 1982, at the discretion of the state governments not electing to administer Community Services Block Grants in FY 1982, and the close-out thereof; (3) the programmatic close-out functions related to funds awarded by the Community Services Administration (CSA) in FY 1981 and prior years. These programmatic close-out functions are among the CSA close-out functions assisgned to the Director of the Office of Management and Budget by Section 682(e) of OBRA who has subsequently reassigned them to the Secretary of Health and Human Services; and (4) the Low Income Home Energy Assistance Program. The Office also administers the Federal Task Force on the Homeless.

ML.10 Organization. The Office of Community Services under the leadership of the Director is a program component of the Family Support Adminstration and consists of:

Office of the Director (ML)
The Immediate Office of the Director (ML)
The Federal Task Force on the Homeless (ML1)
Office of State Project Assistance (MLB)
  Division of Block Grants (MLB1)
  Division of Discretionary Grants (MLB2)
  Division of Assessment and Evaluation (MLB3)
  Division of Audit Resolution (MLB4)
Office of Energy Assistance (MLC)
  Division of Energy Policy and Evaluation (MLC1)
  Division of Energy Program Operations (MLC2)

Functions A. The Office of the Director of Community Services provides executive direction and leadership to the Office of Community Services (OCS) and is responsible to the FSA Administrator for carrying out the OCS mission. The Office is headed by the Direcor of Community Services who is assisted by a Deputy Director. The Deputy Director assumes all of the Director's responsibilities in the Director's absence.

B. The Immediate Office of the Director provides staff assistance to the Director on the full range of his/her responsibilities including the coordination of all responses to public inquiries. It provides management and adminstrative support for OCS including execution of the OCS budget. The Office also includes a Special Assistant for Legal Affairs.

C. *The Federal Task Force on the Homeless* coordinates the utilization of existing federal resources in efforts to help the homeless. It provides assistance by: identifying resources that can be targeted to help the homeless; removing impediments to the use of these resources; serving as a broker between federal agencies, state/local governments and the private sector; and serving as a federal focal point for information and technical assistance.

D. Office of State Project Assistance. This office if responsible for adminstering the Community Service Block Grant Program, and the Discretionary Grant Program, under sections 672 and 681 of OBRA.

1. *Division of Block Grants* is responsible for adminstering the Community Services Block Grant Program (CSBG) through grants made to states, territories, Indian tribes and tribal organizations to alleviate the causes of poverty in communities.

In addition, the Division is responsible for providing guidance, review, support and assistance to CSBG granteees on HHS policies, regulations, procedures and systems necessary to assure efficient program operation at the state and tribal level.

2. *Division of Discretionary Grants* administers the Discretionary Program, authorized by section 681 of the Community Services Block Grant Act, either through grants, contracts or jointly financed cooperative arrangements. Assistance may be provided to profit and non-profit organizations and agencies to provide training and on going activities of national or regional significance in the areas of rural housing and community facilities as well as assistance to migrants and seasonal farm workers. Assistance may also be provided to private, locally-initiated, non-profit community development corporations (or affiliates of such corporations). These corporations and their affiliates must be governed by a board of community residents and business and civic leaders which sponsors enterprises to provide employment and business development opportunities for low-income residents of the community and to increase business and employment opportunities in the community.

3. *Division of Assessments and Evaluation* is responsible for operations and activities designed to: assess compliance of CSBG grantees with the provisions of OBRA and its amendments; review and resolve formal complaints about CSBG; review and resolve waiver requests by CSBG grantees; and evaluate activities in the CSBG program, as assigned.

4. *Division of Audit Resolution* is responsible, in conjunction with other appropriate divisions within the office, for the review and resolution of audit issues or questioned costs with recipients of OCS transition, discretionary, and block grant funds in accordance with the appropriate audit policy as established by HHS. This division is also responsible for the monitoring of agreements relating to the expenditures of carry-over Community Services Administration (CSA) funds; the disposition of assets of former CSA

grantees; and for addressing any remaining issues arising from the responsibilities of the former CSA.

E. The Office of Energy Assistance oversees the administration of the Low Income Home Energy Assistance program (LIHEAP) at the federal level.

1. *The Division of Energy Policy and Evaluation* develops guidelines, policies and regulations to provide direction to states, territories, Indian tribes and tribal organizations in administering the Low Income Home Energy Assistance Program. The Division prepares, analyzes and recommends specific proposals for new legislation; identifies and develops research and evaluation priorities; and develops statistical information regarding state plan characteristics, energy consumption, state median income estimates, fuel costs, and housing and demographic characteristics. The Division calculates state allotments; assesses impact of research and evaluation findings and statistical data in terms of program direction; and prepares reports to Congress.

2. *The Division of Energy Program Operations* provides leadership in interpretation and application of federal program policy as it relates to compliance and audit activities in the LIHEAP program. The Division reviews grantee applications and amendments; provides the Office of Financial Management, FSA, with grantee information necessary to issue grants; investigates complaints; resolves audit findings and recommends repayment of funds where appropriate. The Division provides assistance to states, tribes and territories in developing energy program policies and operational procedures; evaluates compliance of state and tribal policies and operations with statutory and regulatory requirements; and provides support in developing and implementing program improvements. The Division also assists states and other public and private organizations with providing training and technical assistance in areas related to home energy.

Date: September 15, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-22044 Filed 9-23-87; 8:45 am]

BILLING CODE 4110-60-M

Food and Drug Administration

[Docket No. 87F-0290]

Dow Chemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Dow Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of pentasodium diethylenetriaminepentaacetate and trisodium *N*-hydroxyethyl ethylenediaminetriacetate as components of adhesives used in food packaging.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B4023) has been filed by Dow Chemical Co., Midland, MI 48674, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the safe use of pentasodium diethylenetriaminepentaacetate and trisodium *N*-hydroxyethyl ethylenediaminetriacetate as components of adhesives used in food packaging.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: September 17, 1987.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-21974 Filed 9-23-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87N-0322]

Drug Export; Recombinant Human Growth Hormone (Somatropin for Injection) (RHGH)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Genentech, Inc., has filed an application requesting approval for the export of the human drug Recombinant Human Growth Hormone (Somatropin for Injection) (rhGH) to Canada.

ADDRESS: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Rudolf Apodaca, Center for Drugs and Biologics (HFN-310), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8063.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of drugs that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Genentech, Inc., 460 Point San Bruno Blvd., South San Francisco, CA 94080, has filed an application requesting approval for the export of the drug Recombinant Human Growth Hormone (Somatropin for Injection) (rhGH) to Canada. This drug is indicated for use only in the long-term treatment of children who have growth failure due to a lack of adequate endogenous growth hormone secretion. The application was received and filed in the Center for Drugs and Biologics on August 31, 1987, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by October 5, 1987, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802, Pub. L. 99-660 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drugs and Biologics (21 CFR 5.44).

Dated: September 8, 1987.

Sammy R. Young,

Acting Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 87-21976 Filed 9-23-87; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[BERC-448-GN]

Changes to Medicare Secondary Payer Provisions; Omnibus Budget Reconciliation Act of 1986

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This notice describes how seciton 9319 of the Omnibus Reconciliation Act of 1986 (Pub. L. 99-509) affects the Medicare Program. Section 9319—

- Makes Medicare secondary for services funished to disabled beneficiaries who are "active" individuals and are covered under large group health plans;
- Provides that the Federal Government may recover double damages from group health plans that fail to make primary payments as required by the law;
- Creates a private cause of action which provides double damages from primary payers that fail to make primary payments as required by the law;
- Provides special enrollment periods so that Medicare coverage can be restored promptly when group health plan coverage terminates; and
- Provides that, in computing premium increases for late enrollment, periods of large group health plan coverage be excluded.

The statutory changes made by section 9319 do not require regulations to implement because they are clear on their face as to what the Congress intended. Thus, we can put them into effect without first issuing regulations. Moreover, we have already had to apply these provisions because the Congress made these changes applicable to services furnished on or after January 1, 1987. This notice will help to ensure that all affected parties are aware of the new provisions. This notice is not intended to be an exhaustive list of the changes, nor is it intended to represent the complete text of section 9319. Clarifying and conforming changes in the regulations are being prepared and will provide the public an opportunity for comment.

The new statutory provisions may conflict with current regulations or portions of current regulations. To the extent that they do so, the provisions of the new law supersede those portions of the regulations. Other portions of the same regulations and all other regulations remain in effect.

FOR FURTHER INFORMATION CONTACT: Herbert Pollock (301) 594-4978.

SUPPLEMENTARY INFORMATION

A. Medicare Secondary Payer.

Section 9319 of Pub. L. 99-509 amended section 1862(b) of the Social Security Act by adding two new paragraphs (4) and (5). The new paragraph (4) makes Medicare benefits secondary to coverage under large group health plans for "active individuals" (as defined in 4 below) who are under age 65 and entitled to Medicare on the basis of disability. Paragraph (5) provides for a private cause of action to collect double damages in the case of a workmen's compensation law or plan, automobile or liability insurance policy or plan or no-fault insurance plan,[1] group health plan, or large group health plan that is made a primary payer under section 1862(b) and which fail to do so or to reimburse the Medicare program.

These amendments—

1. Apply to "active" individuals who are entitled for Medicare on the basis of disability, but not to those who are (or could be if they applied) entitled on the basis of end-stage renal disease;

2. Apply to services furnished on or after January 1, 1987 and before January 1, 1992;

3. Define "large group health plan" as a plan of or contributed to by an employer (including Federal, State, or local government entities) or employee organization (including a self-insured plan) to provide health care (directly or otherwise) to the employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, or their families, that covers employees of at least one employer that normally employed at least 100 employees on a typical business day during the previous calendar year.

4. Define "active individual" to include an employee (as may be defined in regulations), the employer, an individual associated with the employer in a business relationship, and a member of the family of any of those persons.

5. Prohibit Medicare payment to the extent that payment has been made or can reasonably be expected to be made under a large group health plan (except for certain payments made on condition of reimbursement to the appropriate Medicare Trust Fund).

6. Provide that, in order to recover incorrect Medicare payments the Government—

(a) May bring an action against any entity htat is required by this amendment to make payment with respect to items or services and may collect double damages from that entity;

(b) May bring an action against any entity that has received payment from a large group health plan with respect to an item or service;

(c) Is subrogated to the right of any individual or other entity to receive payment from a large group health plan to the extent of Medicare payment;

(d) May join or intervene in any action related to the events that gave rise to the need for items and services for which Medicare has paid.

HCFA may waive recovery (in whole or in part) of an individual claim if it determines that waiver is in the best interests of the Medicare program.

Medicare may make secondary payments to supplement the primary benefits paid by the large group health plan if the plan pays only a portion of the charge for the service. The coordination of benefit rules for making secondary payments are the same as those that apply to the working aged.

B. Special Enrollment Periods and Limitations on Premium Penalties

Section 9319 also amended sections 1837(i) and 1839(b) of the Act, effective with enrollments occurring on or after January 1, 1987, to provide that—

1. Special 7-month enrollment periods (SEPs) are available to disabled individuals under age 65 who meet the following requirements:

a. When first eligible to enroll in Medicare Part B—

i. They were enrolled in a large group health plan as active individuals; or

[1] Although the provision of section 1862(b) of the Act dealing with no-fault insurance does not limit its applicability to automobile no-fault, current regulations (42 CFR 405.322 through 405.325) do so. We plan to make the regulations consistent with the statute, that is, to make all types of no-fault insurance, not just automobile no-fault, primary to Medicare.

ii. They enrolled in Medicare Part B during the initial enrollment period; and

b. They maintained enrollment under either a large group health plan or under Medcare Part B for all months after the initial enrollment period.

2. A SEP begins whenever the individual is no longer enrolled in a large group health plan as an active individual.

3. If the individual enrolls during the first month of a SEP, entitlement begins with the first day of that month. If he or she enrolls during the remaining 6 months of the SEP, entitlement begins on the first day of the month following the month of enrollment.

4. The months of enrollment as an active individual in a large group health plan are not counted in determining the premium increase for late enrollment or reenrollment.

C. Other Aspects of Section 9319

Section 9319 also added to the Internal Revenue Code a tax on any employer or employee organization that contributes to a large group health plan which, at any time during a calendar year, fails to comply with the requirement for making primary payments. The tax is equal to 25 percent of the expenses incurred by the employer or employee organization during the calendar year for each large group health plan to which it contributes. Although governmental employers are required to provide coverage primary to Medicare for the disabled, they are not subject to this tax penalty for noncompliance. The Internal Revenue Service is responsible for implementing this portion of § 9319.

(Catalog of Federal Domestic Assistance Programs No. 13.773 Medicare-Hospital Insurance, and No. 13.774 Medicare-Supplementary Medical Insurance)

Dated: July 29, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87-22068 Filed 9-23-87; 8:45 am]

BILLING CODE 4120-01-M

Statement of Organization, Functions, and Delegations of Authority

Part F. of the Statement of Organization, Funding, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA) **Federal Register**, Vol. 50, No. 74, Wednesday, April 17, 1985, pp. 15230-15232, Vol. 48, No. 198, Wednesday, October 12, 1983, pp. 48434-48448) is amended to reflect a reorganization within the Office of the Associate Administrator for Operations, Bureau of Program Operations, Office of Program Operations Procedures. The reorganization of the Division of Provider Procedures will ensure successful integration of the medical review activities recently transferred from the Health Standards and Quality Bureau.

The specific changes to Part F. are as follows:

Section FP.20.A.3.a Division of Provider Procedures (FPA81) is amended to read:

a. Division of Provider Procedures (FPA81)

Directs the development and issuance of specifications, requirements procedures, functional standards, and instructional material to implement and maintain operational systems for medical review and medical audit of claims, for processing Medicare Part A and outpatient claims, and for defining their applications to Medicare contractors, providers, suppliers of services, and HCFA. Develops productivity investments and data initiatives designed to promote efficiency and uniformity of operations. Maintains contractor and provider instructional manuals. Serves as the Bureau resource for implementing legislative changes impacting on Part A program operations. Prepares general systems plans and develops requirements for the detailed design and programming for model systems used by Medicare contractors. Develops and clarifies methodologies for performing medical review. Plans, conducts, and evaluates studies aimed at long-range improvements in systems, methods, and procedures as they relate to the administration of the Medicare program. Integrates systems within the framework of HCFA policies, goals, and objectives in an efficient and cost-effective manner. Develops, directs, and coordinates systems plans and studies for the effective integration of all Medicare automated and nonautomated processing systems at the contractor level. Designs and conducts studies, demonstrations, and surveys to improve Medicare operational systems, methods, and procedures. Designs and test new automated information systems and model systems. Conducts reviews and performs analyses for future development and model systems functions in such areas as data management, data base systems analysis and design, terminal operations, minicomputers, and operational security. Coordinates systems demonstration projects and participates in the review and evaluation of systems-related application projects. Provides direction, to and liaison with, HCFA components involved in the maintenance of health insurance utilization records. Manages data exchange systems between contractors and HCFA.

Date: September 4, 1987.

Bartlett S. Fleming,

Associate Administrator for Management and Support Services.

[FR Doc. 87-22043 Filed 9-23-87; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

National Strategic Materials and Minerals Program Advisory Committee; Notice of Renewal

Pursuant to Pub. L. 92-463, notice is hereby given of the renewal of the National Strategic Materials and Minerals Program Advisory Committee. Following consultation with the General Services Administration, the Secretary is renewing the Advisory Committee to advise the Secretary of the Interior with respect to his responsibilities for strategic materials and minerals issues.

Further information regarding the National Strategic Materials and Minerals Program Advisory Committee may be obtained from Gully Walter, Executive Director, Room 6650, U.S. Department of the Interior, 18th and C Streets, NW., Washington, DC 20240; (202) 343-2136.

The certification of renewal is published below.

Certification

I hereby certify that the renewal of the National Strategic Materials and Minerals Program Advisory Committee is necessary and in the public interest in connection with performance of duties imposed on the Department of the Interior by those statutory authorities listed in the Federal Land Policy and Management Act, the Mining and Minerals Policy Act of 1970, the National Materials and Minerals Policy Research and Development Act of 1980, the Defense Production Act of 1950, as amended, and the organic legislation of the Department and the several bureaus and agencies thereof.

Donald Paul Hodel,

Secretary of the Interior.

[FR Doc. 87-21994 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-10-M

Office of the Secretary

Privacy Act of 1974—Establishment of New Notice of System of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to establish a new notice describing a system of records maintained by the Minerals Management Service. The notice is entitled "Lessee/Operator Training Files—Interior, MMS–12," and describes records on training of individuals employed by lessees and operators that conduct offshore oil and gas operations. The notice is published in its entirety below.

As required by section 3 of the Privacy Act of 1974, as amended (5 U.S.C. 552a(o)), the Office of Management and Budget, the President of the Senate, and the Speaker of the House of Representatives have been notified of this action. 5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. The Office of Management and Budget in its Circular A–130 requires a 60-day period to review such proposals. Therefore, written comments on this proposal can be addressed to the Department of Privacy Act Officer, Office of the Secretary (PMA), Room 7357, Main Interior Building, U.S. Department of the Interior, Washington, DC 20240. Comments received on or before November 23, 1987, will be considered. The notice shall be effective as proposed without further publication at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: September 16, 1987.

Oscar W. Mueller, Jr.,

Director, Office of Management Analysis.

Interior/MMS–12

SYSTEM NAME:

Lessee/Operator Training Files—Interior, MMS–12

SYSTEM LOCATION:

Monitoring and Penalties Branch, Offshore Inspection and Enforcement Division, Offshore Minerals Management, Minerals Management Service (MMS), 12203 Sunrise Valley Drive, Reston, Virginia 22091.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel who have participated in well control, safety device, workover and well completion training programs, and correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of student certification, lessee applications, trip reports, audit findings, survey notices, correspondence between the MMS and students and the MMS and lessees. Also included is correspondence between the training organizations and the MMS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 1334, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of the records are for certification pertaining to the structure, management and operation of the well control, safety device, workover and well completion training programs. Disclosures outside the Department of the Interior may be made: (1) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the Government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines taht the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were complied; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) to a Congressional office from the record of an individual in response to an inquiry the individual has made to the Congressional office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual and computerized form.

RETRIEVABILITY:

Indexed by social security number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual and computerized records.

RETENTION AND DISPOSAL:

Determination of the disposition is pending approval of the Archivist.

SYSTEM MANAGER AND ADDRESS:

Chief, Monitoring and Penalties Branch, Offshore Inspection and Enforcement Division, Offshore Minerals Management, Minerals Management Service, Mail Stop 647, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

NOTIFICATION PROCEDURES:

A written request addressed to the System Manager stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing, and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Training organizations which are approved by the MMS to provide training to offshore workers.

[FR Doc. 87–22012 Filed 9–23–87; 8:45 am]

BILLING CODE 4310–MR–M

Bureau of Land Management

[ID–030–07–4620–70]

Idaho; Emergency Closure of Public Lands (City)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given that effective September 3, 1987, BLM-administered public lands located in the City Creek/Johnny Creek area south of Pocatello, Idaho are closed to motor vehicles. The area is bounded generally by Pocatello City limits to the northeast, Johnny Creek to the southeast, Gibson Jack Drainage to the southwest, and City Creek to the northwest. The legal description of the lands is as follows:

Township 7 South, Range 34 East

Northwest ¼ of section 13; Southwest ¼ and the Southwest ¼ of the Northwest ¼ of section 12; South ½, South ½ of section 4.

All Federal lands administered by the Bureau of Land Management described above are closed to motor vehicles from September 3, 1987 until further notice. Exceptions to this closure include administrative use of vehicles on the

described public lands by the Bureau of Land Management, City of Pocatello, Caribou National Forest and Bannock County. These Federal and local agencies are cooperating in the closure.

The purpose of this closure is to allow the vegetation to re-establish after the recent City Creek fire, and to protect the soils from erosion.

The authority for this closure is 43 CFR 8341.2. The closure will remain in effect until fire damage has been rehabilitated and motor vehicle travel can continue.

FOR FURTHER INFORMATION CONTACT: Lloyd H. Ferguson, District Manager, Idaho Falls District, 940 Lincoln Road, Idaho Falls, Idaho 83401, (202) 529-1020.

Date: September 16, 1987.

W. Bernard Jansen,

Acting District Manager.

[FR Doc. 87-22025 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-GG-M

Meeting; Las Vegas District Advisory Council

ACTION: Las Vegas District Advisory Council Meeting.

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Bureau of Land Management, Las Vegas District Advisory Council will be held October 21, 1987.

The meeting will begin at 8:30 a.m. in the Conference room of the Bureau of Land Management Las Vegas District Office, 4765 West Vegas Drive, Las Vegas, Nevada. The meeting agenda will be as follows:

1. Agenda approval and review of the minutes from the last meeting.
2. Council Issues.
3. BLM Las Vegas District program review.
4. East Mojave Desert Plan.
5. Cooperative Resource Management Planning (CRMP) update.
6. BLM Las Vegas District Fire Management Review.
7. Review of BLM Las Vegas District Wild Horse Gathering for Fiscal Year 1987.
8. Election of Officers.

The meeting of the Las Vegas District Advisory Council is open to the public. Oral statements may be presented to the council during the public comment period, on the day of the meeting. Written statements may also be filed with the Bureau of Land Management Las Vegas District Office for the council's consideration.

Those wishing to make oral statements to the council are asked to contact the District Manager, Bureau of Land Management Las Vegas District Office, 4765 West Vegas Drive, P.O. Box 26569, Las Vegas, Nevada, 89126, by October 19, 1987.

Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the District Manager. Summary minutes of the meeting will be maintained in the Bureau of Land Management Las District Office and will be available for public inspection during regular office hours (7:30 a.m. to 4:15 p.m.) within 30 days after the meeting.

Ben F. Collins,

District Manager.

[FR Doc. 87-22932 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-HC-M

Proposed Reinstatement of a Terminated Oil and Gas Lease; Alaska

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease AA-48244-BB has been received covering the following lands:

Copper River Meridian, Alaska

T. 10 N., R. 8 W.,
Sec. 9 SE¼NW¼.
(40 acres)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16⅔ percent. The $500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from December 1, 1986, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA-48244-BB as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective December 1, 1986, subject to the terms and conditions cited above.

Dated: September 17, 1987.

Kay F. Kletka,

Chief, Branch of Mineral Adjudication.

[FR Doc. 87-22034 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-JA-M

Proposed Reinstatement of a Terminated Oil and Gas Lease; Alaska

In accordance with Title IV of the Federal Oil and Gas Royalty Management act (Pub. L. 97-451); a petition for reinstatement of oil and gas lease AA-48939-EP has been received covering the following lands:

Fairbanks Meridian, Alaska

T. 18 S., R. 3 E.,
Sec. 12 NW¼SW¼.
(40 acres)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16⅔ percent. The $500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from February 1, 1987, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA-48939-EP as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective February 1, 1987, subject to the terms and conditions cited above.

Dated: September 17, 1987.

Kay F. Kletka,

Chief, Branch of Mineral Adjudication.

[FR Doc. 87-22035 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-JA-M

[NM-943-07-4111-13; NM NM 38635]

Notice of Proposed Reinstatement of Terminated oil and Gas Lease; New Mexico

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87504. Under the provisions of 43 CFR 3108.2-3, Texaco Producing Inc., petitioned for reinstatement of oil and gas lease NM NM 38635 covering the following described lands located in Eddy County, New Mexico:

NMPM, New Mexico

T. 24 S., R. 29 E.,
Sec. 8: NW¼; Sec. 17: N½NW¼; Sec. 21: E½NE¼, W½NW¼.

Containing 400.00 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $7.00 per year and royalties shall be at the rate of 16⅔ percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, March 1, 1987.

Date: September 14, 1987.

Tessie R. Anchondo,

Chief, Adjudication Section.

[FR Doc. 87-22020 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-FB-M

[AZ-020-87-4211-11; A-22268]

Realty Action; Recreation and Public Purpose (R&PP) Act Lease

The following lands, located near the city of Florence, Pinal County, Arizona have been found suitable for lease to the Arizona Army National Guard for training purposes, and are so classified under the Recreation and Public Purposes Act of June 14, 1926, as amended (44 Stat. 741: 43 U.S.C. 869 *seq.*).

Gila and Salt River Meridian, Arizona

T. 2 S., R. 8 E.,
Sec. 15, SW¼, and the westernmost 900 feet of the NW¼, except for the northernmost 100 feet thereof.

These lands are presently withdrawn by the United States Air Force for an auxiliary air field, known as Rittenhouse Air Force Auxillary Field. It has been determined that these two uses (R&PP lease and the withdrawal) are compatible uses. These lands are not needed for any other federal purposes. Through the ennviromental assessment process, it has been determined that the lease of these lands would not affect any BLM programs and would be in the public interest.

The lease would be subject to the following conditions:

1. Provisions of the Recreation and Public Purpose Act and all regulations of the Secretary of the Interior.
2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.
3. A right-of-way for ditches and canals constructed by the United States.
4. Those rights granted to the Bureau of Reclamation by permit number A-21196.
5. The lessee shall make the land available to the maximum extent practicable for use as a local training area by the U.S. Army Reserve.
6. The lessee shall, upon 30 days written notice, relinquish up to 15 acres of the leased land as determined by the BLM and U.S. Army Reserve, for a withdrawal for the U.S. Army Reserve.

For period of forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding this proposed lease or classification of these lands to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix Arizona 85027. Any adverse comments will be evaluated by the State Director. In the absence of any adverse comments the classification will become effective 60 days from the date of publication of this notice. Further information concerning this Realty Action may be obtained from the Phoenix Resource Area, Phoenix District (602-863-4464).

Date: September 13, 1987.

Henri R. Bisson,

District Manager.

[FR Doc. 87-22037 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-32-M

[AZ-940-07-4212-12; AR 018859]

Reconveyed Land Opened to Entry; Cochise County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of reconveyed land opened to entry.

SUMMARY: This action will open 320 acres of reconveyed land in Cochise County to State Exchange Application.

FOR FURTHER INFORMATION CONTACT: Lisa Schaalman, Arizona State Office, (602) 241-5534.

SUPPLEMENTARY INFORMATION: On April 1, 1959, as authorized under Section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended, the United States acquired the following land:

Gila and Salt River Meridian; Arizona

T. 12 S., R. 27 E.,
Sec. 24, E½; containing 320 acres in Cochise County.

The land described above has been determined suitable for disposal by State Exchange, as provided by section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756; 43 U.S.C. 1716). The land will continue to be segregated from settlement, sale, location or entries under the public land laws. The mineral estate was not reconveyed to the United States and therefore, will not be subject to entry under the mining or mineral leasing laws.

John T. Mezes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-22022 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-32-M

[CA-010-87-4212-11; CA-18749]

Proposed Lease and Conveyance For Health Clinic in Mono County, CA; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of correction of segregative effect.

SUMMARY: This notice corrects the segregative effect previously published in the **Federal Register** May 21, 1987 (52 FR 19208) for a proposed lease and conveyance for a health clinic in Mono County, CA.

The segregative effect of the notice published May 21, 1987, will terminate upon either issuance of a patent to the lands, or upon publication of a termination notice and opening order in the **Federal Register.**

All other information in the notice of May 21, 1987, remains unchanged.

Date: September 16, 1987.

Nancy J. Alex,

Chief, Lands Section Branch of Adjudication and Records.

[FR Doc. 87-22036 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-40-M

[OR-130-07-4212-13; GP7-294; (OR 42021 (WA))]

Realty Action; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described lands in Yakima County have been determined to be suitable for exchange under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

	Acres
T. 12N., R. 20E. WM	
Sec. 12: E½E½	160
T. 12N., R. 21E. WM	
Sec.	
2: SW¼NW¼, NW¼SW¼	80
8: NW¼NE¼, NE¼NW¼	80
14: SW¼	160
T. 12N., R. 22E. WM	
Sec. 18: Lots ¼, E½W½	317.22
Total:	797.22

In exchange for these lands, the Federal Government will acquire the following described private lands in Douglas and Grant Counties:

	Acres
T. 22N., R. 23E. WM	
Sec.14: NE¼SW¼, NW¼SE¼, SE¼SE¼	120
23: A11	640
24: NE¼, N½NW¼, SW¼NW¼	280
27: E½, E½W½, SW¼SW¼	520
33: E½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼, SE¼	400
Total:	1,960

The purpose of this exchange is to use the value of the described scattered tracts of public land in Yakima County to consolidate public lands on a portion of the rim of Moses Coulee. The exchange is consistent with Bureau of Land Management policies and planning and will serve the public interest.

DATES: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, Spokane District Office, E. 4217 Main, Spokane, WA 99202. Objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the public lands described above from settlement, sale, location, or entry under the public land laws, including the mining laws but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be made subject to:

1. A reservation to the United States of rights-of-way for ditches or canals in accordance with 43 U.S.C. 945.
2. The reservation to the United States of all minerals in the public lands being transferred (in accordance with Section 209 of FLPMA).
3. All valid existing rights of record (e.g., rights-of-way, easements, etc.).
4. Value equalization by cash payments or acreage adjustments.

David E. Sinclair,

District Manager, Acting.

[FR Doc. 87-22024 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-32-M

[ID-943-07-4520-12]

Filing Plats of Survey; Idaho

The plats of survey of the following lands were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, on the dates hereinafter stated:

Boise Meridian

T. 7 S., R. 36 E., accepted January 5, 1987, officially filed January 7, 1987.
T. 2 S., R. 35 E., accepted October 28, 1986, officially filed January 12, 1987.
T. 7 N., R. 6 E., accepted December 16, 1986, officially filed January 12, 1987.
T. 5 S., R. 9 E., accepted January 14, 1987, officially filed June 12, 1987.
T. 43 N., R. 4 W., accepted January 8, 1987, officially filed June 24, 1987.
T. 13 N., R. 18 E., accepted March 30, 1987, officially filed July 14, 1987.
T. 7 S., R. 13 E., accepted March 30, 1987, officially filed July 15, 1987.
T. 6 S., R. 44 E., accepted March 30, 1987, officially filed June 26, 1987.
T. 10 S., R. 30 E., accepted March 30, 1987, officially filed July 16, 1987.
T. 9 N., R. 43 E., accepted March 30, 1987, officially filed June 22, 1987.
T. 10 S., R. 29 E., accepted March 30, 1987, officially filed July 10, 1987.
T. 6 S., R. 12 E., accepted May 8, 1987, officially filed June 25, 1987.
T. 4 N., R. 18 E., accepted June 18, 1987, officially filed June 30, 1987.

The above plats represent dependent resurveys and subdivisions.

Inquiries about these lands should be addressed to Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: September 15, 1987.

Donald A. Simpson,

Chief, Land Services Section.

[FR Doc. 87-22023 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-GG-M

Minerals Management Service

Outer Continental Shelf; Development Operations Coordination Document; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations Coordination Document(DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 1085 and 1089, Blocks 75 and 90, respectively, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on September 16, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to inform the public, pursuant to section 25 of the OCS Land Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: September 17, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-22050 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; Samedan Oil Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Samedan Oil Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 1783, Block 289, Galveston Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Freeport, Texas.

DATE: The subject DOCD was deemed submitted on September 17, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the

Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: September 17, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-22049 Filed 9-23-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29963]

Bay Colony Railroad Corp. Modified Rail Certificate [1]

On September 2, 1987, a notice was filed by the Bay Colony Railroad Corporation (Bay Colony), for a modified certificate of public convenience and necessity under 49 CFR 1150.23. Bay Colony has entered into an agreement with the Commonwealth of Massachusetts to operate the Millis Industrial Track, now operated by Consolidated Rail Corporation (Conrail), and the Lowell Secondary Track, now operated by Springfield Terminal Railway Company (ST). The Commonwealth of Massachusetts runs both of these rail lines.

The Millis Industrial Track is a 3.4 mile rail line in the Commonwealth of Massachusetts between the northeast side of the Framingham Secondary right-of-way line in Medfield Junction (Milepost 0.0) and the end of the line in Millis (Milepost 3.4), all in Norfolk County. The involved 5.3 mile segment of the Lowell Secondary Track in the Commonwealth of Massachusetts extends between West Concord (Milepost 11.5) and Acton (Milepost 16.8), all in Middlesex County.

The Lowell Secondary Track was conveyed to the Commonwealth of Massachusetts by deed of the Penn Central Transportation Company (Penn Central) dated May 14, 1982. Service on the line was continued by ST under lease from the Commonwealth of Massachusetts. ST currently has a modified certificate to operate over the Lowell Secondary. ST is expected to terminate its service pursuant to 49 CFR 1150.24 at or about the time Bay Colony commences operations.

The Millis Industrial Track was conveyed to Massachusetts Bay Transportation Authority, an agency of the Commonwealth of Massachusetts, by deed of Penn Central dated January 17, 1973, subject to a reservation of right to operate freight service over the track. Freight service on the line was continued by Penn Central, and subsequently by Conrail. Conrail's application under 45 U.S.C. 748 to discontinue operation of the Millis Industrial Track in No. AB-167 (Sub-No. 954N) was approved by decision served September 11, 1987.

This notice must be served on the Association of American Railroads (Car Service Division) as agent of all railroads subscribing to the car-service and car-hire agreement, and on the American Short Line Railroad Association.

Dated: September 16, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-21912 Filed 9-23-87; 8:45 am]

BILLING CODE 7035-01-M

[1] Bay Colony's operation of the Millis Industrial Track and the Lowell Secondary Track—the two lines here at issue—is the subject of this modified rail certificate, and, contrary to Bay Colony's assertion, does not involve an amendment of Bay Colony's prior modified rail certificate, served June 29, 1982, that covers a number of lines owned by the Commonwealth of Massachusetts.

[Finance Docket No. 31081]

Railroad Operation; KKR Associates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts retroactively KKR Associates from the requirements of prior approval under 49 U.S.C. 11343, et seq., for its control of motor, rail, and water carriers, subject to the condition for the protection of railroad employees in *New York Dock Ry.—Control Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

DATES: This exemption will be effective on October 4, 1987. Petitions to reopen must be filed by October 13, 1987.

ADDRESSES: Send pleadings referring to Finance Docket No. 31081 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Peter M. Shannon, Jr., 8300 Sears Tower, 233 South Wacker Drive, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245, TDD for hearing impaired: (202) 275-1721.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357 (assistance for the hearing impaired is available through TDD services (202) 275-1721) or by pickup from TSI in Room 2229 at Commission headquarters.

Decided: September 17, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-22052 Filed 9-23-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Modified Consent Decree in *United States v. City of Lynn, et al.*, Civil Action No. 76-2184-G, has been lodged with the United States District Court for the District of Massachusetts. The modified consent decree addresses alleged violations by the City of Lynn and the Lynn Sewer and Water Commission of the Clean Water Act and a previous consent decree in regard to the sewage system previously owned by the City of Lynn and transferred in 1982 to the Lynn Sewer and Water Commission.

The proposed Modified Consent Decree requires the Lynn Sewer and Water Commission to construct secondary treatment facilities, develop combined sewer overflow abatement projects, and develop and implement a satisfactory pretreatment program in accordance with compliance schedules set forth therein. The proposed Modified Consent Decree also requires the Lynn Sewer and Water Commission to pay a civil penalty of $95,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Modified Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources

Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. City of Lynn, et al.*, D.J. Ref. 90-5-1-1-545B.

The proposed Modified Consent Decree may be examined at the office of the United States Attorney, District of Massachusetts, 1107 John W. McCormack, Post Office and Courthouse, Boston, Massachusetts 02109, and at the Office of Regional Counsel, United States Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Rm. 2203, Boston, Massachusetts 02203. Copies of the Modified Consent Decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth Street and Pennsylvania Ave., NW., Washington, DC 20530. A copy of the proposed Modified Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please refer to referenced case name and D.J. Ref. number and enclose a check in the amount of $6.50 (ten cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-22008 Filed 9-23-87; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Application; Manufacturer of Controlled Substances; DuPont Pharmaceuticals

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 24, 1987, Du Pont Pharmaceuticals, 1000 Stewart Avenue, Garden City, New York 11530, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Oxycodone (9143)	II
Hydrocodone (9193)	II
Oxymorphone (9652)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than October 26, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: September 16, 1987.

[FR Doc. 87-22029 Filed 9-23-87; 8:45 am]

BILLING CODE 4410-09-M

Application; Manufacturer of Controlled Substances; Eli Lilly Industries, Inc.

Pursuant to § 1301.43(a) and 1301.61 of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 12, 1987, Eli Lilly Industries, Inc., Chemical Plant, Kilometer 146.7, State Road 2, Mayaquez, Puerto Rico 00708, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance bulk dextropropoxyphene (non-dosage form) (9273).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than October 26, 1987.

Dated: September 16, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-22030 Filed 9-23-87; 8:45 am]

BILLING CODE 4410-09-M

Application; Manufacturer of Controlled Substances; Penick Corp.

Pursuant to § 1301.43(a) and 1301.61 of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 27, 1987, Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance hydromorphone (9150).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than October 26, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: September 16, 1987.

[FR Doc. 87-22031 Filed 9-23-87; 8:45 am]

BILLING CODE 4410-09-M

Application; Importation of Controlled Substances; Minn-Dak Growers Association

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on July 27, 1987, Minn-Dak Growers Association, Highway 81 North, P.O. Box 1276, Grand Forks, North Dakota 58206-1276, made application to the Drug Enforcement Administration to be registered as an importer of marihuana (7360), a basic class controlled substance in Schedule I.

This application is exclusively for the importation of marihuana seed which will be rendered non-viable and used as bird feed.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than October 26, 1987.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–43746 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I and II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: September 16, 1987.

[FR Doc. 87-22028 Filed 9-23-87; 8:45 am]
BILLING CODE 4410-09-M

Revocation of Registration; Eduardo A. Garcia, M.D.

On February 27, 1987, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Eduardo A. Garcia, M.D., of 3554 Ocean Drive, Vero Beach, Florida, proposing to revoke his DEA Certificate of Registration, AG5971090, and to deny any pending applications for renewal as a practitioner under 21 U.S.C. 823(f). The statutory bases for seeking the revocation of Dr. Garcia's current registration are that: (1) On numerous occasions in 1985 and 1986, Dr. Garcia issued several prescriptions for controlled substances to individuals for other than legitimate medical purposes; (2) on numerous occasions in 1985 and 1986, Dr. Garcia issued prescriptions for narcotic controlled substances to an individual he knew, or should have known, was addicted to narcotic controlled substances, although at no time has Dr. Garcia ever been registered with DEA to conduct a narcotic treatment program; (3) on numerous occasions, Dr. Garcia dispensed and administered controlled substances for other than legitimate medical purposes; (4) on numerous occasions in 1985 and 1986, Dr. Garcia wrote several prescriptions for controlled substances although he did not possess a vald DEA Certificate of Registration at the time he issued the prescriptions; (5) on numerous occasions, Dr. Garcia issued prescriptions in the name of a former patient and had the prescriptions filled at pharmacy, although the former patient did not authorize the issuance or filling of those prescriptions; in addition, he dispensed or administered the controlled substances which were issued pursuant to those pescriptions to persons other than the person for whom the prescriptions were allegedly issued; (6) Dr. Garcia failed to comply with necessary reporting and recordkeeping requirements relating to ordering, receiving, dispensing and administering controlled substances; and (7) on numerous occasions, Dr. Garcia dispensed and administered controlled substances at a location other than his registered location.

The Order to Show Cause was sent registered mail, return receipt requested, to Dr. Garcia's registered address. The return receipt indicates that the Order to Show Cause was received and signed for on March 10, 1987. Dr. Garcia has not responded to the Order to Show Cause. Therefore, the Administrator finds that Dr. Garcia has waived his opportunity for a hearing on the issues raised in the Order to Show Cause, and enters this final order based upon the record as it now appears. 21 CFR 1301.54(d) and 1301.54(e).

The Administrator finds that in December 1984, Earl Tovatt, an individual known to have a serious narcotic addiction problem, contacted Dr. Garcia for the purpose of obtaining narcotic controlled substances. Dr. Garcia told Mr. Tovatt that he would supply him with injections of Demerol, a Schedule II narcotic controlled substance, for an initial payment of $25,000.00 and $1,000.00 per prescription. Mr. Tovatt acquiesced to the arrangement. At times, Dr. Garcia would charge Mr. Tovatt as much as $5,000.00 per prescription. In one year, Mr. Tovatt disclosed that he had paid Dr. Garcia between $150,000.00 and $200,000.00 for "treatment." These payments to Dr. Garcia were always made in cash. Between December 1984 and February 1986, Mr. Tovatt paid Dr. Garcia more than $440,000.00 for prescriptions and injections of Demerol. A review of a local pharmacy's records reveals that it filled more than 60 prescriptions issued by Dr. Garcia to Mr. Tovatt, each for 25 dosage units of Demerol. In addition, Dr. Garcia would often issue prescriptions for Valium, Percodan and Dolophine to Mr. Tovatt the same days he issued the prescriptions for Demerol.

On February 19, 1986, a Florida Department of Professional Regulation Investigator interviewed Dr. Garcia regarding his controlled substance prescribing and dispensing activities. During the interview, Dr. Garcia admitted that he charged $1,000.00 for each prescription of Demerol he issued, and for each injection he administered to Mr. Tovatt. Dr. Garcia denied that he had excessively charged Mr. Tovatt.

A further review of the local pharmacy's prescription records revealed that Dr. Garcia has issued thirteen prescriptions for Demerol in the name of Guenter Bork. On April 22, 1986, DEA Investigators interviewed Mr. Bork at his residence. Mr. Bork stated that he began treatment for a back injury with Dr. Garcia in 1978 and ceased treatment in February 1986. He also stated that he never filled any of his prescriptions at the pharmacy where the thirteen prescriptions were found. In addition, none of the prescriptions in question appeared in Mr. Bork's medical records. On April 22, 1986, a Florida Department of Professional Regulation Investigator inverviewed Dr. Garcia. He informed the Investigator that he presented the prescriptions and picked up Mr. Bork's drugs at the pharmacy so that he could administer them to Mr. Bork in his medical office. Dr. Garcia also told the Investigator that he had no inventory records which reflected the administering or dispensing of these drugs.

On April 29, 1986, a Florida Department of Professional Regulation Investigation visited Mr. Tovatt at his residence. During the visit, Mr. Tovatt informed the Investigator that Dr. Garcia told him that he wanted $4,000.00 for four prescriptions for Demerol he had previously written for Mr. Tovatt. Mr. Tovatt explained that he was unable to get the prescriptions filled since the Florida Department of Professional Regulation had alerted nearby pharmacies not to fill prescriptions written for him by Dr. Garcia. During the visit, Mr. Tovatt telephoned Dr. Garcia.

Dr. Garcia again demanded payment of $4,000.00 for four previously written prescriptions. When asked by Mr. Tovatt if he would write him another prescription, Dr. Garcia responded, "I, personally, don't want to give your name on any prescription because it is being traced. I don't want your name on any prescription." Mr. Tovatt suggested using another name. Dr. Garcia acquiesed to the suggestion and stated that the prescription would cost Mr. Tovatt $1,000.00 and would not be furnished until he was paid.

In addition, the investigative file indicates that for several years, Dr. Garcia was supplying Demerol to Sue Ann Hinton, his former employee and lover, for other than legitimate medical purposes. In one instance, Dr. Garcia issued a prescription for Valium for Ms. Hinton in her sister's name, although he had never examined or seen Ms. Hinton's sister; nor had her sister authorized the prescription.

Further, for the period from October 1, 1985 to March 1986, Dr. Garcia issued several prescriptions for controlled substances. These prescriptions were issued during a period in which Dr. Garcia's DEA registration had expired. Consequently, during that time, Dr. Garcia was not authorized to prescribe, dispense, administer, order, or otherwise handle any controlled substances.

Finally, subsequent to the issuance of the Order to Show Cause against Dr. Garcia, DEA was informed that on February 24, 1987, Dr. Garcia's license to practice medicine in the State of Florida was revoked. As a result, Dr. Garcia is no longer authorized to handle any controlled substances in that state.

The Administrator concludes that, based upon the information contained in the investigative file, there are sufficient grounds for the revocation of Dr. Garcia's DEA Certificate of Registration and for the denial of any pending applications for renewal. The fact that Dr. Garcia is no longer authorized to handle controlled substances in the State of Florida is a sufficient ground, by itself, to order the revocation of his registration. DEA has consistently held that it cannot maintain the registration of a practitioner who is not authorized to handle controlled substances in the state in which he seeks registration. See *Frank T.W. Chin, M.D.*, Docket No. 86-73, 52 FR 2774 (1987); *Emerson Emory, M.D.*, Docket No. 85-46, 51 FR 9543 (1986); *Avner Kauffman, M.D.*, Docket No. 85-8, 50 FR 34208 (1985); and *Agostino Carlucci, M.D.*, Docket No. 82-20, 49 FR 33184 (1984). Since, in this case, Dr. Garcia is no longer authorized to handle controlled substances in the State of Florida, the Administrator cannot maintain his DEA Certificate of Registration in that state.

In addition, the information regarding Dr. Garcia's improper handling of controlled substances provides additional support for the revocation of his current registration and for the denial of any pending applications for renewal. The investigative file elucidates Dr. Garcia's absolute disregard for state and Federal controlled substance laws and regulations. For years, he has supplied a known narcotic addict with dangerous narcotics for other than legitimate medical purposes. The motivation for such activities was obviously greed on the part of the doctor. In addition, he repeatedly supplied a former employee and lover with dangerous controlled substances, although there was no demonstration of medical need for the drugs. Further, he wrote and filled several prescriptions for controlled substances in the name of a former patient, yet he dispensed or administered the drugs to persons other than the person for whom the prescriptions were issued. Also, Dr. Garcia wrote numerous prescriptions for controlled substances during a period of time between 1985 and 1986 in which his DEA Certificate of Registration had expired. Finally, although Dr. Garcia administered and dispensed large quantities of dangerous controlled substances, he failed to maintain ordering, administering and dispensing records, as required by law. Based upon these numerous and repeated violations of controlled substance laws and regulations, Dr. Garcia's continued registration with DEA would pose a serious threat to the public health and safety. Therefore, his DEA Certificate must be revoked, and any pending applications for renewal must be summarily denied.

Having concluded that, under the facts and circumstances presented in this matter, Dr. Garcia's current registration must be revoked, and any pending applications for renewal must be denied, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), orders that DEA Certificate of Registration, AG5971090, previously issued to Eduardo A. Garcia, M.D., be, and it hereby is, revoked; it is further ordered that any pending applications for renewal of said registration be, and they hereby are, denied.

This order is effective September 24, 1987.

John C. Dawn,

Administrator.

Date: September 18, 1987.

[FR Doc. 87-22061 Filed 9-23-87; 8:45 am]

BILLING CODE 4410-09-M

Revocation of Registration; Medicine Shoppe

On July 7, 1987, the Administrator of the Drug Enforcement Administration (DEA) issued to Medicine Shoppe, 3002 Clarksville Highway, Nashville, Tennessee 37218, an Order to Show Cause proposing to revoke its DEA Certificate of Registration, AT3048053, and to deny any pending applications for the renewal of such registration. The Order to Show Cause alleged that the continued registration of Medicine Shoppe would be inconsistent with the public interest, as set forth in 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(4). Additionally, citing his preliminary finding that Medicine Shoppe's continued registration posed an imminent danger to the public health and safety, the Administrator ordered the immediate suspension of DEA Certificate of Registration AT3048053 during the pendency of these proceedings. 21 U.S.C. 824(d).

The Order to Show Cause/Immediate Suspension was personally served at the pharmacy on July 9, 1987. More than thirty days have passed since the Order to Show Cause was served and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54(a) and 1301.54(d), Medicine Shoppe is deemed to have waived its opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that between July 1, 1985, and December 31, 1985, Medicine Shoppe purchased approximately 62,300 dosage units of Talwin NX, a Schedule IV controlled substance. A subsequent review of the pharmacy's prescription file revealed that there were virtually no prescriptions on file for Talwin NX during the same period of time.

During 1986, Medicine Shoppe purchased approximately 161,000 dosage units of Talwin NX. An accountability audit of various controlled substances performed by investigators of the Drug Enforcement Administration revealed significant shortages of the majority of substances audited. The audit period covered January 1, 1986, through June 1, 1987. The shortages included

approximately 195,000 dosage units of Talwin NX, 24,000 dosage units of APAP with codeine 60 mg., 16,000 dosage units of Tussionex tablets, and 5,000 dosage units of Didrex 50 mg. Subsequent information received from a distributor revealed additional sales of Talwin NX to the pharmacy between January 1, 1986, and June 1, 1987, thereby increasing the shortage to 199,718 dosage units.

DEA investigators also audited pyribenzamine, a noncontrolled substance. This substance was audited because it is often sold in the illicit market in combination with Talwin. The audit revealed that between January 1, 1986, and June 1, 1987, the pharmacy purchased approximately 110,400 dosage units of pyribenzamine. The investigators found prescriptions at the pharmacy to account for 140 dosage units of the substance during the same period of time.

DEA investigators received information from an area distributor of controlled substances which revealed that Medicine Shoppe continued to purchase large quantities of Talwin NX until the service of the Order to Show Cause/Immediate Suspension. Consequently, the Administrator concludes that there is ample evidence to indicate that the continued registration of Medicine Shoppe is inconsistent with the public interest. No evidence of explanation or mitigating circumstances has been offered on behalf of the registrant. Therefore, the Administrator concludes that the registration must be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AT3048053, previously issued to Medicine Shoppe, be, and it hereby is, revoked, and any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective immediately.

When the Order to Show Cause/Immediate Suspension was served on Medicine Shoppe, all controlled substances possessed by the pharmacy under the authority of its then-suspended registration were placed under seal and removed for safekeeping. 21 U.S.C. 824(f) provides that no disposition may be made of such controlled substances under seal until all appeals have been concluded or until the time for taking an appeal has elapsed. Accordingly, these controlled substances shall remain under seal until October 26, 1987 or until any appeal of this order has been concluded. At that time, all such controlled substances shall be forfeited to the United States and shall be disposed of pursuant to 21 U.S.C. 881(e).

John C. Lawn,
Administrator.

Date: September 18, 1987.

[FR Doc. 87-22062 Filed 9-23-87; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 87-27

Revocation of Registration; Denial of Pending Applications for Renewal; Ralph J.W. Small, M.D.

On January 30, 1987, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ralph J.W. Small, M.D. (Respondent) of 22962 Via Miramar, Laguna Niguel, California, proposing to revoke his DEA Certificate of Registration, AS7918115, and deny any pending applications for renewal of his registration as a practioner under 21 U.S.C. 823(f) and 824, for reason that effective January 30, 1987, Respondent's license to practice medicine in the State of California was revoked.

In a letter dated March 3, 1987, Respondent requested a hearing on the issues raised in the Order to Show Cause. In response to Respondent's request for hearing, Government counsel filed a motion for summary disposition on March 10, 1987. Subsequently, Respondent filed an opposition to the Government's motion for summary disposition requesting that DEA hold an administrative hearing regarding his DEA Certificate of Registration, since he appealed the revocation of his state medical license.

In his opinion and recommended ruling, the Administrative Law Judge recommended that Respondent's DEA Certificate of Registration be revoked, and any pending application for renewal be denied on the ground that Respondent currently lacks state authority to handle controlled substances.

After reviewing the administrative record, the Administrator finds that Respondent's license to practice medicine was revoked in the State of California as of January 30, 1987. Consequently, he is no longer authorized to handle controlled substances in that State.

The Drug Enforcement Administration does not have statutory authority under the Controlled Substances Act to maintain the registration of an individual who no longer is authorized to handle controlled substances in the state in which he or she is registered. See 21 U.S.C. 824(a)(3); **Emerson Emory, M.D.**, Docket No.85-46, 51 FR 9543 (1986); **Avner Kauffman, M.D.**, Docket No. 85-8, FR 34208 (1985); and **Agostino Carlucci, M.D.**, Docket No. 82-20, 49 FR 33184 (1984).

The Administrator concludes that, based upon Respondent's lack of state authorization to handle controlled substances, his DEA Certificate of Registration must be revoked, and any pending applications for renewal must be denied. Having concluded that, under the facts and circumstances presented in this matter, Respondent's registration must be revoked, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), orders that DEA Certificate of Registration AS7918115, previously issued to Ralph J.W. Small, M.D., be, and it hereby is, revoked, and that any pending applications for renewal of said registration be, and they hereby are, denied.

This order is effective September 24, 1987.

Dated: September 18, 1987.

John C. Lawn,
Administrator.

[FR Doc. 87-22063 Filed 9-22-87; 8:45 am]
BILLING CODE 4410-09-M

LEGAL SERVICES CORPORATION

Grant Award to the American Corporate Counsel Institute

AGENCY: Legal Services Corporation.

ACTION: The Legal Services Corporation (LSC) announces that it is considering awarding a special one-time grant of $50,000 in 1987 to the American Corporate Counsel Institute to expand efforts to motivate corporate law department attorneys to provide *pro bono* legal representation.

DATE: All comments and recommendations must be received by the Office of Field Services on or before October 22, 1987.

FOR FURTHER INFORMATION CONTACT: Legal Services Corporation, Office of Field Services, Victoria O'Brien, Acting Assistant to the Director, 400 Virginia Avenue SW., Washington, D.C. 20024-2751, (202) 863-1837.

SUPPLEMENTARY INFORMATION: The American Corporate Counsel Institute (ACCI) will expand efforts begun in 1983 to motivate corporate law departments to provide *pro bono* legal representation. Among other things, such efforts will

include developing models to aid companies initiating and operating *pro bono* programs, conducting seminars to activate corporate *pro bono* involvement, and compiling a directory of corporate counsel active in *pro bono* and statistical information on the *pro bono* activities. Additionally, ACCI intends to make LSC-funded legal service programs aware of the resources of its nationwide *pro bono* program by determining which programs have sufficient interest and attorney base for pursuing the recruitment of corporate personnel. LSC is providing its support to this effort as a model project.

Interested persons are invited to submit written comments and/or recommendations concerning this grant action to Victoria O'Brien.

Dated: September 21, 1987

Mary C. Higgins

Director, Office of Field Services

[FR Doc. 87-22078 Filed 9-23-87; 8:45 am]

BILLING CODE 6820-35-M

Grant Award to the Neighbor to Neighbor Justice Center, Inc.; Request for Comments

AGENCY: Legal Services Corporation.

ACTION: The Legal Services Corporation (LSC) announces that it is considering awarding a special one-time grant of $50,000 in 1987 to the Neighbor to Neighbor Justice Center, Inc. to provide alternative dispute resolution services to the LSC client-eligible population of Chatham County, Georgia.

DATE: All comments and recommendations must be received by the Office of Field Services on or before October 22, 1987.

FOR FURTHER INFORMATION CONTACT: Legal Services Corporation, Office of Field Services, Victoria O'Brien, Acting Assistant to the Director, 400 Virginia Avenue SW., Washington, D.C. 20024-2751, (202) 863-1837.

SUPPLEMENTARY INFORMATION: The Neighbor to Neighbor Justice Center, Inc. (NNJC) will continue the delivery of alternative dispute resolution services to the LSC client-eligible population in Chatham County, Georgia. As a mediation center, NNJC offers a non-adversarial alternative to litigation in the following matters: neighborhood; landlord-tenant; small claims; juvenile; consumer-merchant; business-related; school; and domestic issues, including child visitation. The local client-eligible population benefits from the Project in that it effectively reduces local court system case backlogs and delays and it enhances the availability of services to resolves the aformentioned types of disputes. LSC is providing its support to this effort as a model project.

Interested persons are invited to submit written comments and/or recommendations concerning this grant action to Victoria O'Brien.

Dated: September 21, 1987.

Mary C. Higgins,

Director, Office of Field Services.

[FR Doc. 87-22079 Filed 9-23-87; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 87-81]

Meeting; NASA Advisory Council (NAC), Space Systems and Technology Advisory Committee (SSTAC)

AGENCY: National Aeronautics and Space Administration.

Federal Register Citation of Previous Announcement: 52 FR 33669, Notice Number 87-71, September 4, 1987.

Previously Announced Times and Dates of Meeting: September 30, 1987, 8:15 a.m. to 5 p.m.

Changes in the Meeting: Date changed to November 10, 1987, 8:15 a.m. to 5 p.m.

Contact Person for More Information: Ms. Anemarie DeYoung, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2704.

Richard L. Daniels,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

September 17, 1987.

[FR Doc. 87-22042 Filed 9-23-87; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting; Dance Advisory Panel (Advancement Section)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Advancement Section) to the National Council on the Arts will be held on October 13-14, 1987, from 9:00 a.m.-5:30 p.m. in room MO-7 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

September 18, 1987.

[FR Doc. 87-22048 Filed 9-23-87; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Delegation of Award-Approval Authority From the National Science Board to NSF Director

AGENCY: National Science Foundation.

ACTION: Notice of delegation of award-approval authority from the National Science Board to the Director of the National Science Foundation.

SUMMARY: This notice sets forth a delegation of authority from the National Science Board to the Director of the National Science Foundation that was adopted by the Board on August 21, 1987. This delegation is required by section 5(e)(1) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1864(e)(1)). It enables the Director to exercise the authority provided by section 11(c) of the NSF Act (42 U.S.C. 1870(c)) to enter into contracts, grants, and other arrangements for such scientific and engineering activities as the Foundation deems necessary for the purposes of the Act. Publication of this notice is required by section 5(e)(2) of the NSF Act (42 U.S.C. 1864(e)(2)).

DATE: This delegation of authority was effective on August 21, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas Ubois, Executive Officer, National Science Board, National Science Foundation, Washington, DC 20550, 202-357-9582 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The following is the delegation: (1) The Director of the National Science Foundation shall make no award involving a total commitment of more than six million dollars or more than one and one-half million dollars in any one year without the prior approval of the National Science Board, except for:

a. Any award for a new project or facility where the Board has approved a project development plan and has not specifically required approval of the award; or

b. Any continuing project, facility, or logistics-support arrangement listed in the Exemption List attached to this resolution. Such Exemption List is to be compiled, at least annually, for each calender Year for NSB approval in November of the preceding calender year.

(2) Paragraph (1)a. does not apply, however, if the award amounts would exceed the corresponding amounts specified in the budget accompanying the development plan by either (i) more than eight percent times the number of full years since the initial award for that project or facility, or (ii) more than twenty-four percent.

(3) Except as provided in paragraphs (1) and (2) or by specific resolution of the National Science Board, the Board hereby delegates to the Director authority to make any award within the authority of the Foundation, consistent with the authority of the Board to approve the Foundation's programs.

(4) Except as provided in paragraph (2) or by specific resolution of the National Science Board, when the Board approves the award of a specific amount of funds, the Director may subsequently amend the award to commit additional sums, not to exceed ten percent of the amount specified, or to change the expiration date of the award.

(5) This resolution is effective for two years and supersedes and replaces the resolution of the National Science Board on this subject adopted in January 1986, which superseded resolutions adopted in July 1968 and amended in February 1969, February 1974, and April 1977.

As stated in its final section, this delegation replaces earlier ones on the same subject. This delegation, like those preceding it, is a matter of internal agency management and therefore not subject to Executive Order 12291 of February 17, 1981 (3 CFR 1981 Comp., p. 127). Publication of this notice is required by section 5(e)(2) of the NSF Act (42 U.S.C. 1864(e)(2)), which was enacted by section 109(b) of the National Science Foundation Authorization Act, Fiscal Year 1986 (99 Stat. 889; Pub. L. 99-159).

Thomas Ubois,

Executive Officer.

September 8, 1987.

[FR Doc. 87-22007 Filed 9-23-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-237/249]

Environmental Assessment and Finding of No Significant Impact; Commonwealth Edison Co.

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the technical requirements of Section III.G.3 of Appendix R to 10 CFR Part 50 to the Commonwealth Edison Company (CECo) (the licensee) for the Dresden Nuclear Power Station, Unit Nos. 2 and 3, located at the licensee's site in Grundy County, Illinois.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant an exemption from the technical requirements of Section III.G.3 of Appendix R to 10 CFR Part 50 relating to the fixed-fire detection and suppression capability in the drywell expansion gap.

The Need for the Proposed Action

Following the January 20, 1986 fire involving the polyurethane foam in the drywell expansion gap, the licensee was told by letter dated February 25, 1986, that the separation criteria in Section III.G.3 of Appendix R to 10 CFR Part 50 are apparently not met. Further, the licensee was requested to address this matter of compliance with Appendix R, showing either why the unit is in compliance, how compliance can be achieved, or, request an exemption from any requirement of Appendix R that is not met. The licensee's response of May 6, 1986, showed that the unit was in compliance in every way except the automatic fire detectors and the fixed suppression requirements. By letter dated June 5, 1986, the Licensee proposed exemption from the detection and suppression requirement.

Environmental Impact of the Proposed Action

The proposed action does not affect the level of fire protection required by Appendix R. The automatic detection and fixed fire suppression are not physically possible to install in the two-inch drywell expansion gap. However, the licensee has shown that a spread of any fire in the two-inch drywell gap to the drywell is not possible, and that if the fire did spread into the reactor building it would only affect one fire area of one unit. Therefore, an independent safe shutdown path would be available. In addition, the licensee showed that impairment of safe shutdown for either unit would not result if the penetrations through the drywell gap were damaged.

Thus, fire-related radiological releases will not differ from those determined previously and the proposed exemption does not otherwise affect facility radiological effluent or occupational exposures. With regard to potential nonradiological impacts, the proposed exemption does not affect plant nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives with equal or lesser environmental impact need not be evaluated. The principal alternative to the exemption would be to require rigid compliance with the requirements of Section III.G.3 of Appendix R to 10 CFR Part 50. Such action would not enhance the protection of the environment and would result in unjustified costs for the licensee.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for Dresden Units 2 and 3.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letters dated May 6 and June 5, 1986. These letters are available for public inspection at the Commission's Public

Document Room, 1717 H Street, NW., Washington, DC and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Dated at Bethesda, Maryland this 18th day of September 1987.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III-2, Division of Reactor Projects—III, IV, V, and Special Projects.

[FR Doc. 87-22081 Filed 9-23-87; 8:45 am]

BILLING CODE 7590-01-M

Meeting; Advisory Committee on Reactor Safeguards

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on October 8-10, 1987, in Room 1046, 1717 H Street NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on August 17, 1987.

Thursday, October 8, 1987

8:30 a.m.-8:45 a.m.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest to the Committee.

8:45 a.m.-9:45 a.m.: Station Blackout, USI A-44 (Open)—Discuss proposed NRC Staff resolution of ACRS comments in its report of June 9, 1987, Subject: ACRS Comments on the NRC Staff Proposal for the Resolution of USI A-44, "Station Blackout," and related activities of NUMARC regarding this subject.

10:00 a.m.-11:00 a.m.: Integrated Safety Assessment Program (Open)—Discuss proposed NRC Staff's plan for implementation of ISAP taking into account ACRS's comments in its report of July 15, 1987.

11:00 a.m.-11:30 a.m.: Future ACRS Activities (Open)—Discuss anticipated subcommittee activities and items proposed for consideration by the full Committee.

11:30 a.m.-12:30 p.m.: and 1:30 p.m.-2:15 p.m.: Management Allocation of Resources (Closed)—Discuss NRC internal allocation of resources, including personnel, to provide technical advice regarding nuclear waste management and disposal.

This session will be closed to discuss information the release of which would represent an unwarranted invasion of personal privacy and information that involves the internal personnel rules and practices of NRC.

2:30 p.m.-4:00 p.m.: Management Allocation of Resources (Closed)—Meeting with NRC Commissioners to discuss NRC internal allocation of resources, including personnel, to provide technical advice regarding nuclear waste management and disposal.

This session will be closed to discuss information the release of which would represent an unwarranted invasion of personal privacy and information that involves the internal personnel practices of NRC.

4:15 p.m.-5:15 p.m.: Zion Nuclear Station (Open)—Briefing and discussion of full field exercise to exercise emergency plans following a severe core melt accident.

5:15 p.m.-6:00 p.m.: Chernobyl Nuclear Accident (Open)—Discuss proposed NRC Staff implementation of NRC recommendations regarding the lessons learned from this accident and their applicability to U.S. nuclear power plant design and operation.

Friday, October 9, 1987

8:30 a.m.-10:30 a.m.: Seismic Qualification of Nuclear Power Plant Equipment (Open)—Briefing and discussion of the conclusions resulting from the seismic walk-through of the Zion Nuclear Station. Representatives of the NRC Staff and nuclear industry will participate.

10:45 a.m.-12:30 p.m.: Operating Experience (Open/Closed)—Briefing and discussion of recent operating events at nuclear power plants.

Portions of this session may be closed as appropriate to discuss Proprietary Information applicable to the facility being discussed or security plans applicable to the safeguarding of related nuclear facilities and materials.

1:30-3:00 p.m.: Probabilistic Risk Assessment (Open)—Briefing and discussion with representatives of the NRC Staff regarding ACRS comments on the use of NUREG-1150, Reactor Risk Reference Document.

3:15 p.m.-5:15 p.m.: Advanced Light-Water Reactor Design (Open)—Review of EPRI proposed requirements for the design of advanced LWRs.

5:15 p.m.-6:30 p.m.: Emergency Planning (Open)—Discuss proposed ACRS comments regarding use of instrumentation, etc., to monitor and predict the anticipated course of nuclear power plant accidents.

Saturday, October 10, 1987

8:30 a.m.-11:00 a.m.: ACRS Reports to NRC (Open/Closed)—Discuss proposed ACRS reports to NRC regarding items considered during this meeting and the NRC Safety Research Program.

Portions of this session will be closed as necessary to discuss information related to the internal personnel practices of the agency and information that represents a clearly unwarranted invasion of personal privacy.

11:00 a.m.-12:45 p.m. and 1:45 p.m.-3:00 p.m.: ACRS Subcommittee Activity (Open)—Hear reports and discuss the status of assigned ACRS subcommittees activities regarding nuclear safety and regulatory matters including nuclear power plant thermal-hydraulic phenomena, auxiliary system performance, reactor coolant pump seal failure, regulatory policies and practices, PWR seismic design margins, and safety philosophy, technology, and criteria.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 20, 1986 (51 FR 37241). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meetings when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R.F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss information related to the internal personnel rules and practices of the agency [5 U.S.C. 552b(c)(2)], safeguards information applicable to the nuclear facilities and materials being considered [5 U.S.C. 552b(c)(3)], Proprietary Information applicable to the facilities being discussed [5 U.S.C. 552b(c)(4)], and information the release of which would represent a clearly unwarranted invasion of personal privacy [5 U.S.C. 552b(c)(6)].

Further information regarding topics to be discussed, whether the meeting

has been cancelled or rescheduled, the Chairman's ruling on request for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m.

Date: September 21, 1987.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 87–22080 Filed 9–23–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–409; License No. DPR–45 EA 87–02]

Order Imposing Civil Monetary Penalty; Dairyland Power Cooperative (LaCrosse Boiling Water Reactor)

I.

Dairyland Power Cooperative (Licensee) is the holder of Operating License No. DPR–45 (License) issued by the Nuclear Regulatory Commission (Commission or NRC) on July 3, 1967. The License authorizes the Licensee to operate the LaCrosse Boiling Water Reactor in accordance with the conditions specified therein.

II.

A routine physical security inspection of the Licensee's activities was conducted during the period November 17–24, 1986. The results of the inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the Licensee by letter dated February 24, 1987. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violations. The Licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by letter dated March 25, 1987.

III.

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the Deputy Executive Director for Regional Operations, has determined as set forth in the Appendix to this Order that the violations occurred as stated.

IV.

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, It is Hereby Ordered that:

The Licensee pay a civil penalty in the amount of Twenty-Five Thousand Dollars ($25,000) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

The Licensee may request a hearing within 30 days of the date of this Order. A request for a hearing shall be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region III.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the Licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above, and

(b) Whether, on the basis of such violations, this Order should be sustained.

For the Nuclear Regulatory Commission.

James M. Taylor,

Deputy Executive Director for Regional Operations.

Dated at Bethesda, Maryland this 16th day of September 1987.

[FR Doc. 87–22082 Filed 9–23–87; 8:45 am]

BILLING CODE 7590–01–M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Report Form Under Review

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the Agency has made such a submission. The proposed form under review is summarized below.

DATE: Comments must be received within 14 calendar days of this notice. If you anticipate commenting on the form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Submitting Officer of your intent as early as possible.

ADDRESS: Copies of the subject form and the request for review submitted to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer

L. Jacqueline Brent, Office of Personnel and Administration, Overseas Private Investment Corporation, Suite 461, 1615 M Street NW., Washington, DC 20527; Telephone (202) 457–7151.

OMB Reviewer

Francine Picoult, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; Telephone (202) 395–7340.

Summary of Form Under Review

Type of Request: Extension
Title: Investment Missions Application Form
Form Number: OPIC–78
Frequency of Use: Other—once per investor per project
Type of Respondent: Business or other institutions (except farms)
Standard Industrial Classification Codes: All Description of Affected Public: U.S. companies investing overseas
Number of Responses: 120 per year
Reporting Hours: .5 hour per application
Federal Cost: $3,600.00
Authority for Information Collection: Section 234(d) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses)

The Investment Missions Application Form is completed by U.S. companies interested in participating in an OPIC sponsored investment mission. The form provides the necessary information for internal evaluation of a U.S. firm's capability and resources to undertake an overseas project.

Date: September 15, 1987.
Mildred A. Osowski,
Office of the General Counsel.
[FR Doc. 87-22004 Filed 9-23-87; 8:45 am]
BILLING CODE 3210-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-15991; File No. 812-6799]

Lutheran Brotherhood Variable Insurance Products Company et al.

September 18, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

Applicants: Lutheran Brotherhood Variable Insurance Products Company ("Company"), LBVIP Variable Insurance Account II ("Account"), and Lutheran Brotherhood Securities Corp.

Relevant 1940 Act Sections: Exemptions requested *under* section 6(c) *from* sections 2(a)(32), 2(a)(35), 22(c), 26(a)(1), 26(a)(2), 27(a)(1), 27(c)(1), 27(c)(2), 27(d) and 27(f), and Rules 6e-2(b)(1), (b)(12), (b)(13)(i), (b)(13)(iv), (b)(13)(viii), (c)(1), (c)(4), 22c-1 and 27f-1 thereunder.

Summary of Application: Applicants seek an order to the extent necessary to permit the offering of single premium variable life insurance Contracts. Specifically, Applicants seek the relief necessary to (1) permit the Account to hold shares of the Fund under an open account arrangement; (2) deduct a contingent deferred sales charge upon surrender of the contract during the first 8 contract years; (3) deduct the Cost of Insurance Charge, the Monthly Insurance Charge and the Premium Tax Charge daily from the net assets of the variable account; (4) deduct a Minimum Death Benefit Charge daily from the net assets of each Subaccount of the Account; (5) Personally deliver the right of withdrawal notice together with the contract in certain circumstances, and to furnish notice of such withdrawal right and a statement of contract charges on a written document containing information comparable to that required by Form W-27I-2; (6) base the Cost of Insurance Charge on the 1980 CSO Table; and to (7) permit the refund during the free-look period to reflect the investment performance of the chosen Subaccounts of the Account.

FILING DATE: The application was filed on June 29, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the Commission by 5:30 p.m., on October 14, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Otis F. Hilbert, 625 Fourth Avenue South, Minneapolis, MN 55415.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Ulness, attorney (202) 272-2026 or Lewis B. Reich, Special Counsel (202) 272-2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

Applicants' Representations

1. The Company, a stock life insurance company, is organized under the laws of the State of Minnesota. The Account, a separate account of the Company, is registered under the 1940 Act as a unit investment trust. The Company and the Account intend to issue single premium variable life insurance contracts ("contract(s)"), as defined in paragraph (c)(1) of Rule 6e-2 under the 1940 Act, funded through the Account. The Account will invest in shares of the Fund, which is registered as a diversified open-end management company under the 1940 Act.

2. Applicants request an exemption from sections 26(a)(1) and (2) and 27(c)(2) of the Act and Rule 6e-2 to the extent necessary to permit the Account to hold shares of the Fund under an open account arrangement without the use of stock certificates and without the Company acting as trustee or custodian pursuant to a trust indenture. Applicants will meet the conditions of the proposed amendments to Rule 6e-2(b)(13)(iii), that is, that the Company complies with all other applicable provisions of section 26 as if it were a trustee, depositor or custodian for the Account; files with the insurance regulatory authority of a state or territory of the United States or of the District of Columbia an annual statement of its financial condition in the form prescribed by the National Association of Insurance Commissioners, which most recent statement indicates that it has an unassigned surplus of not less than $1,000,000; and is examined from time to time by the insurance regulatory authority of such state, territory or District of Columbia as to its financial condition and other affairs and is subject to supervision and inspection with respect to its separate account operation.

3. No sales charge is deducted from the single premium payment permitted under the contract; however, the Company will deduct a contingent deferred sales charge ("surrender charge"), to recover certain expenses relating to the sale and distribution of the contracts. During the first 8 contact years the amount available to the owner upon surrender ("cash surrender value") will be adjusted to reflect a charge equal to 6% of the single premium during the first five contract years, 5% during the sixth contract year, 4% during the seventh contract year, 3% during the eighth contract year, and 0% thereafter. The surrender charge will only apply upon lapse or full surrender of the contract (no partial surrenders are permitted under the contract).

4. Applicants represent that the surrender charge benefits the public, is more advantageous to the owner than a front-end load, and is consistent with the general purpose of variable life insurance. Applicants state that the surrender charge will generally provide a higher cash surrender value and a greater death benefit than a front-end sales charge because more money is invested for the owner from the start of the contract. Applicants assert that Rule 6e-2 can be read as only contemplating sales loads imposed upon a premium payment, and Applicants seek exemptive relief in order to avoid any question regarding complete compliance with the 1940 Act and rules thereunder.

5. Section 2(a)(35) contemplates that a charge to cover sales and promotional expenses incurred in connection with the sale of investment company securities will be deducted at the time payment for those securities is made, and that a deferred sales charge may not be encompassed by the definition of sales load in Rule 6e-2, paragraphs (b)(1) and (c)(4). Applicants seek exemptive relief from those provisions to permit the imposition of a deferred sales charge on the grounds, among other things, that the timing of the surrender charge does not change its general nature. Applicants also seek

exemptive relief from sections 2(a)(32), 27(c)(1), and 27(d), and Rule 6e–2, paragraphs (b)(12) and (b)(13)(iv), to the extent that such provisions do not contemplate the imposition of a sales charge at the time of redemption. Applicants submit that the contracts are redeemable securities, whether the sales charge is imposed at the time of purchase or whether such charge is deferred and made contingent upon an occurrence at a later time.

6. Applicants assert that Rule 6e–2(b)(12) affords exemptive relief from the provisions of section 22(c) and Rule 22c–1 with respect to redemption procedures, which include surrender and exchange provisions in the context of variable life insurance, and that Rule 6e–2(b)(12) could be read as being premised on the absence of a deferred sales charge. Applicants represent that the surrender charge would in no way have the dilutive effect which Rule 22c–1 was designed to prohibit, variable life insurance contracts do not lend themselves to the kind of speculative short-term trading against which Rule 22c–1 was aimed, and the surrender charge would discourage rather than encourage any such trading. Accordingly, Applicants seek exemptive relief from section 22(c) and Rules 22c–1 and 6e–2(b)(12) to the extent necessary to permit them to effect their proposed pricing.

7. Applicants request exemption from Rule 6e–2(c)(1)(i), which defines "variable life insurance contract" in terms of a cash surrender value that varies to reflect the investment experience of a separate account, to the extent necessary for this provision to be deemed to apply to the structure of the cash surrender value under the Applicants' contract.

8. Applicants assert that the exemptive relief provided by Rule 6e–2(b)(13)(iii) is broad enough to permit a deduction from the Account for the Cost of Insurance Charge, the Monthly Insurance Charge and the Premium Tax Charge, each of which is described below. Nevertheless, Applicants request exemption from sections 26(a)(2) and 27(c)(2) of the 1940 Act.

The Cost of Insurance Charge and the Monthly Insurance Charge are two alternative charges under the contract for the cost of providing insurance. Applicants state that the Company will deduct a Cost of Insurance Charge from the Account daily, equivalent on an annual basis to .50% of the daily net assets of each Subaccount of the Account. The contract also provides for an alternative insurance charge, called the Monthly Insurance Charge, which can be deducted monthly from the accumulated value whenever the actual expense of providing insurance exceeds the Cost of Insurance Charge. Cost of insurance rates will be based on the Insured's age, sex and premium class and the Company's expectations as to future experience. For any period that a Monthly Insurance Charge is made, the Company will not make the Cost of Insurance Charge and will waive any surrender charge. The Company guarantees that neither the Cost of Insurance Charge nor the Monthly Insurance Charge will exceed the maximum amount based on the 1980 Commissioners' Standard Ordinary Mortality Table ("1980 CSO Table"). Applicants believe that the Contract provides for an insurance charge which is commensurate with the risks assumed.

During the first 10 contract years, the Company will deduct a Premium Tax Charge daily, equivalent on an annual basis to .20% of the daily net assets of each Subaccount of the Account. This charge is made to compensate the Company for the average premium tax incurred when issuing the contract. After the tenth contract year, the charge will be zero.

Applicants represent that this method of deduction to recover insurance costs and premium taxes increases the amount invested on behalf of owners. Applicants assert that it is more equitable and beneficial to owners to deduct these charges on a periodic basis rather than to deduct it from the single premium. Applicants state that a deduction from the single premium for insurance costs would be large, accompanied by a significant risk charge, based on necessary assumptions about the length of time the contract would be in force, the investment performance of the various Subaccounts, and the other factors necessary to determine the net amount at risk over the life of the contract.

9. The Company deducts a Minimum Death Benefit Charge from the Account daily, equivalent on an annual basis to .40% of the daily net assets of each Subaccount of the Account. This charge is made to compensate the Company for the risk it assumes by providing a minimum death benefit and by providing certain protection against lapse. Applicants request an exemption from Sections 26(a)(2) and 27(c)(2) of the Act to the extent necessary to permit this deduction.

In accordance with the provisions of proposed paragraph (b)(13)(iii) of Rule 6e–2, Applicants represent that they have reviewed the level of the Minimum Death Benefit Charge and assert that it is reasonable in relation to the risks assumed by the Company under the contract. Unlike the typical variable life contract where the minimum death benefit guarantee comes into effect only when the cash value is exhausted, the minimum death benefit guarantee under the contract can come into effect immediately. A minimum death benefit guarantee cost is incurred when the Company is providing a higher death benefit than it is charging for under the Cost of Insurance Charge. This cost is incurred, when the difference between the minimum Death Benefit (that is, the initial face amount) and the actual Death Benefit being charged for (that is, the Accumulated Value multiplied by the applicable Death Benefit Factor) is positive. The "Death Benefit Factor" is a multiple used to determine the Death Benefit under the contract.

The Company will maintain at its home office, available to the Commission, a memorandum explaining the basis for the representation and the documents used to support it. Applicants do not believe that the surrender charge being imposed under the contracts will cover the expected costs of distributing the contracts. The Company has concluded that there is a reasonable likelihood that the distribution financing arrangement being used in connection with the contracts will benefit the Account and the owners and represents that a memorandum setting forth the basis for this representation will be maintained at the Company's home office and will be available to the Commission. Applicants further represent that the Account will only invest in underlying fund(s) which have undertaken to have a board of directors, a majority of whom are not interested persons of the fund, formulate and approve any plan under Rule 12b–1 under the Act to finance distribution expenses.

10. Applicants propose to personally deliver the right of withdrawal notice together with the contract in certain circumstances, and to furnish notice of such withdrawal right and a statement of contract charges on a written document containing information comparable to that required by Form N–27I–2. Applicants request exemptions from section 27(f), Rule 27f–1, and Rule 6e–2(b)(13)(iii)(A) and (viii)(C) to permit such a delivery. Applicants believe their notice will be a more effective disclosure document since it will be tailored to the contracts and that personal delivery conforms to industry practice and is a less costly way of delivering the required notice. Applicants also state that comparable relief has been afforded to flexible

premium contracts and has been proposed for scheduled contracts in pending amendments to Rule 6e-2(b)(13)(viii)(A) and (viii)(C).

11. Applicants state that the Cost of Insurance Charge and the Monthly Insurance Charge will never exceed the maximum amount based on the 1980 CSO Table. Rule 6e-(b)(13)(i) and 6e-2(c)(4) currently contemplate the use of the 1958 Commissioners' Standard Ordinary Mortality Table (the "1958 CSO Table") for calculating the amount of sales load under a contract. Applicants request an exemption from section 27(a)(1) of the 1940 Act and Rule 6e-2(b)(13)(i) and 6e-2(c)(4) to the extent required to permit the maximum cost of insurance charges and the calculation of sales load under the contract to be based on the 1980 CSO Table rather than the 1958 Commissioners' Standard Ordinary Mortality Table. In general, insurance charges based on the 1980 CSO Table are lower than those based on the 1958 CSO Table, which would result in lower charges and higher values under the contract than if such deductions were to be based on the 1958 CSO Table.

12. Rule 6e-2(b)(13)(viii) requires that a variable life insurance contract subject to Rule 6e-2 include a "free-look" period during which the contract can be cancelled and the contract owner can receive a refund equal to the gross premium paid. The contract provides for a free-look privilege that incorporates a refund reflecting, where permitted by state law, the investment performance of the chosen Subaccounts of the Account. Applicants request an exemption from section 27(f) and Rule 6e-2(b)(13)(viii) and Rule 27f-1 to the extent necessary to permit the refund during this free-look period to reflect the investment performance of the chosen Subaccounts of the Account.

Applicants state that a substantial period of time could elapse during which the single premium will be invested in the Subaccounts. The amount invested will be substantial because the single premium will be substantial and the contract imposes no front-end charges. As a result, the amount of appreciation or depreciation in the amount invested could be substantial, which distinguishes the contract from various other scheduled premium variable life insurance contracts that are subject to Rule 6e-2. Applicants assert that allowing the owner to bear the risk and enjoy the benefit of investment experience during the free-look period is consistent with the policies of section 27(f) of the 1940 Act.

Applicants state that upon giving notice of cancellation and returning the contract (if it has been delivered), the contract owner will receive a refund equal to the sum of (1) the Accumulated Value as of the date the returned contract is received by LBVIP at its home office or by the LBVIP representative from whom the contract was purchased, plus (2) any Monthly Insurance Charge, plus (3) the Asset Charge deducted from the value of the net assets of the Variable Accout attributable to the contracts, plus, (4) the advisory fees charged by the Fund against net asset value in the Fund Portfolios attributable to the contract's value in the corresponding Subaccount(s) of the Variable Account. When state law requires a minimum refund equal to gross premiums paid, the refund will not reflect the investment experience of the Variable Account.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-22039 Filed 9-23-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Meeting; Colorado Advisory Council

The U.S. Small Business Administration Colorado Advisory Council, located in the geographical area of Denver, will hold a public meeting at 9:00 a.m., on Monday, October 26, 1987, at the Byron G. Rogers Federal Building, 1961 Stout Street, Room 244, Denver, Colorado, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Dratin Hill, Jr., Colorado District Director, U.S. Small Business Administration, 721 19th. Street, Room 426, Denver, Colorado—(303) 844-3673.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 16, 1987.

[FR Doc. 87-22072 Filed 9-23-87; 8:45 am]

BILLING CODE 8025-01-M

Meeting; Region V Advisory Council

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Minneapolis/St. Paul, will hold a public meeting on October 20, 1987, at 2:00 p.m. at the U.S. Small Business Administration District Office, 610-C Butler Square, 100 North Sixth Street, Minneapolis, Minnesota, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Edward A. Daum, District Director, U.S. Small Business Administration, 610-C Butler Square, 100 North Sixth Street, Minneapolis, Minnesota 55403, (612) 370-2306.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 10, 1987.

[FR Doc. 87-22073 Filed 9-23-87; 8:45 am]

BILLING CODE 8025-01-M

Meeting; Region IV Advisory Council

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Columbia, South Carolina, will hold a public meeting at 9:30 a.m., Thursday, October 8, 1987, at the Town House, 1615 Gervais St., Columbia, South Carolina, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

Further information may be obtained by writing or calling John C. Patrick, Jr., District Director, U.S. Small Business Administration, P.O. Box 2786, Columbia, South Carolina—(803) 765-5539.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 10, 1987.

[FR Doc. 87-22074 Filed 9-23-87; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0221]

Filing of Application for Transfer of Ownership and Control; Mighty Capital Corp.

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.601 of the Regulations governing small business investment companies (13 CFR 107.601 (1987) for a transfer of ownership and control of Mighty Capital Corporation (MCC), 50 Technology Park, Atlanta, Georgia 30092, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*). The proposed transfer of ownership and control of MCC, which was licensed May 3, 1983, is subject to the prior written approval of SBA.

The transfer of ownership and control relates to a proposed acquisition by North Riverside Venture, Inc., 5775-D Peachtree Dunwoody Road, Atlanta,

Georgia 30342, of 73 percent of the stock of Mighty Holding, a company being formed to hold 100 percent of the stock of Mighty Distributing System of America, Inc., which holds 100 percent of the stock of MCC.

MCC is currently owned and managed by the following:

Name	Position	Ownership
Dallas F. Wallace	Chairman, Director	
Charles F. Leibensperger	President, Director	
Jerry D. Beck	Vice President, Director	
David P. Smith	Exec. Vice President, Secretary, Treasurer, Director.	
Gary E. Korynoski	Vice President	
Mighty Distributing System of America, Inc.		100%
If approved, the new ownership and management will be:		
Thomas R. Barry, 4030 Randall Mill Rd., NW, Atlanta, Ga 30327	Chairman, Director	
James W. McClintock IV, 445 Pine Forest Rd., Atlanta, GA 30342	President, Director	
Jerry D. Beck, 1915 Monticello Court, Dunwoody, GA 30338	Vice President Director	
David P. Smith, 8060 River Circle, Dunwoody, GA 30338	Secretary, Treasurer Director	
Mighty Distributing System of America, Inc., 50 Technology Park/Atlanta, Norcross, GA 30092.		100%
North Riverside Venture, Inc., 5775-D Peachtree Dunwoody Rd., Atlanta, GA 30342		73% [1]
Jerry D. Beck		16% [1]
David P. Smith		11% [1]

[1] Indirect ownership through ownership of newly formed company, Mighty Holding, which will own 100% of Mighty Distributing System of America, Inc.

North Riverside Venture, Inc. is controlled indirectly by Great American Management & Investiment, Inc., Two North Riverside Plaza, Chicago, Illinois 60606.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management including profitability and financial soundness, in accordance with the Act and Regulations.

Notice is hereby given that any person may, no later than 30 days from the date of publication of this Notice, submit written comments on the proposed transfer of control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of the Notice will be published in a newspaper of general circulation in Norcross, Georgia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

John L. Werner,

Acting Deputy Associate Administrator for Investment.

Dated: September 17, 1987.

[FR Doc. 87-22071 filed 9-3-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Secretary of State

[Public Notice 1027]

Certification of Foreign Assistance Determinations; Botswana et al

Pursuant to the paragarph entitled "Assistance for Southern Africa" of the Act making supplemental appropriations for the fiscal year ending September 30, 1987, (Pub. L. 100-71), as it relates to assistance for the members of the Southern Africa Development Coordination Conference, and the August 12, 1987 Delegation of Authority by the President, I hereby certify that the following countries meet the conditions specified in that paragraph: Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia.

This determination shall be reported to the Congress immediately and published in the **Federal Register.**

Dated: September 14, 1987.

Signature:

George P. Shultz,

Secretary of State.

[FR Doc. 87-22005 Filed 9-23-87; 8:45 am]

BILLING CODE 4710-24-M

Public Notice CM-8/1116

Shipping Coordinating Committee, Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 am on October 27, in room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

The purpose of the meeting is to finalize preparations for the 15th Session of the Assembly of the International Maritime Organization (IMO) which is scheduled for 9-20 November 1987 in London. In particular, the SHC will discuss the development of the U.S. Positions dealing with, inter alia, the following topics:

—Reports of the Major Committees

—Financial Issues

—Personnel Matters

—*Council Election*

Interested persons may seek information by writing: Mr. G.P. Yoest, U.S. Coast Guard Headquarters (G-CPI) 2100 Second Street, SW, Washington, DC 20593, or by calling: 202-267-2280.

September 8, 1987.

Richard C. Scissors,

Chairman, Shipping Coordinating Committee.

[FR Doc. 87-22013 Filed 9-23-87; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 87-070]

Meeting; Towing Safety Advisory Committee Subcommittees

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of all Subcommittees of the Towing Safety Advisory Committee (TSAC). The subcommittee meetings will be held on 28 October 1987 in Room 3442-44-46 of the Department of Transportation Headquarters (NASSIF) Building, 400 7th Street, SW., Washington, DC. The meeting will begin at 1:30 p.m. and end at 4:00 p.m. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Discussion of the following topics:

(a) Port Facilities and Operations
(b) Tankbarge—Construction, Certification, Operations
(c) Personnel Manning and Licensing
(d) Personnel Safety and Workplace Standards
(e) Existing Regulations Review and Restructure
(f) IMO/MARPOL Initiatives
(g) Working Group:
(1) Air Quality/Vapor Control

3. Presentation of any new items for consideration of the Subcommittees.
4. Adjournment.

Attendance is open to the interested public. Members of the public may present oral or written statements at the meeting. Additional information may be obtained from Capt J. J. Smith, Executive Director, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC/21), Washington, DC 20593-0001 or by calling (202) 267-1477.

Dated: September 21, 1987.

B.P. Novak,

Executive Director, Towing Safety Advisory Committee, Acting.

[FR Doc. 87-22085 Filed 9-23-87; 8:45 am]

BILLING CODE 4910-14-M

[CGD 87-071]

Meeting; Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Towing Safety Advisory Committee (TSAC). The meeting will be held on 29 October 1987 in Room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC. The meeting is scheduled to begin at 8:00 a.m. and end at 4:00 p.m. Attendance is open to the public. The agenda, which includes docketed rulemakings where indicated, is expected to be as follows:

1. Approval of minutes from July 1987 TSAC meeting.
2. Reports on the following items:

(a) TSAC participation in Coast Guard rulemaking process
(b) Mandatory Alcohol and Drug Testing Following Serious Marine Incidents (CGD 86-080)
(c) Operating a Commercial Vessel While Intoxicated (CGD 84-099)
(d) Drug Detection for Merchant Marine Personnel (CGD 86-067)
(e) Licensing of Pilots (CGD 84-060)
(f) Tankerman Requirements (CGD 79-116)
(g) Licensing of Maritime Personnel (CGD 81-059)
(h) Assistance Towing Licensing (CGD 87-017)
(i) New ABS Rules for Towing Vessels
(j) Air Quality: Vapor Control/Recovery
(k) IMO Status Report
(l) OSHA's Proposed Benzene Standard
(m) Intervals for Required Internal Examination and Hydrostatic Testing of Pressure Vessel Type Cargo Tanks on Barges (CGD 85-061)
(n) Reinspections of Certificated Vessels
(o) Enforcement Procedures for Marine Sanitation Devices
(p) Hazardous Substances Regulations (CGD 86-034)
(q) Any other matter properly brought before the Committee. Where appropriate, reports on the above items may be followed by TSAC discussion, deliberation, and recommendations concerning these subjects, including rulemaking projects.

3. Summary of Action Items
4. Adjournment

With advance notice, and at the discretion of the Chairman, if time permits, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director of TSAC no later than the day before the meeting. Written statements or materials may be submitted for presentation to the Committee. To ensure distribution to each member of the Committee, 25 copies of written material should be submitted to the Executive Director no later than 27 October 1987.

FOR FURTHER INFORMATION CONTACT: Capt. J.J. Smith, Executive Director, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC/21), Washington, DC 20593-0001, (202) 267-1477.

Dated: September 21, 1987.

B.P. Novak,

Executive Director, Towing Safety Advisory Committee, Acting.

[FR Doc. 87-22086 Filed 9-23-87; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

FAA Approval of Noise Compatibility Program; San Jose International Airport, San Jose, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA announces its findings on the noise compatibility program submitted by the city of San Jose under the provisions of Title I of the Aviation Safety and Noise Abatement Act (ASNA) of 1979 (Public Law 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and non-Federal responsibilities in Senate Report No. 96-52 (1980). On August 29, 1986 the FAA determined that the noise exposure maps submitted by the city of San Jose under Part 150 were in compliance with applicable requirements. On August 7, 1987, the Administrator approved the "San Jose International Airport Noise Compatibility Program". Most of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the "San Jose International Airport Noise Compatibility Program" is August 7, 1987.

FOR FURTHER INFORMATION CONTACT: Herbert W. Hyatt, Environmental Protection Specialist, AWP-611.2, Federal Aviation Administration, Western Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, (213) 297-1534. Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for the San Jose International Airport, effective August 7, 1987.

Under Section 104(a) of the Aviation Safety and Noise Abatement Act of

1979, (hereinafter referred to as "the Act"), an airport operator who has previously submitted noise exposure maps may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties, including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with the Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the federal government.

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under the Airport and Airways Improvement Act of 1982. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airport District Office in Burlingame, California.

The city of San Jose submitted to the FAA on October 24, 1985, the Noise Exposure Maps, descriptions, and other documentation produced during the Noise Compatibility Planning study conducted from 1984 through 1987. The San Jose International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on August 29, 1986. Notice of this determination was published in the **Federal Register** on February 27, 1987.

The San Jose International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdiction from the date of study completion to the year 2000. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on February 11, 1987, and was required by a provision of the Act to approve or disapprove the program within 180 days. Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such a program.

The submitted program contained twenty-eight (28) proposed actions for noise mitigation, on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective August 7, 1987. Outright approval was granted for twenty-three (23) of the specific program elements.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on August 7, 1987. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of the city of San Jose.

Issued in Hawthorne, California on September 4, 1987.

Herman C. Bliss,

Manager Airports Division, FAA Western-Pacific Region.

[FR Doc. 87-22090 Filed 9-23-87; 8:45 am]

BILLING CODE 4910-13-M

FAA Approval of Noise Compatibility Program; Greater Pittsburgh International Airport, Pittsburgh, PA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Department of Aviation, County of Allegheny (DACA) under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and non-Federal responsibilities in Senate Report 96-52 (1980). On March 4, 1987, the FAA determined that the noise exposure maps submitted by DACA under Part 150 were in compliance with applicable requirements. On August 23, 1987, the Administrator approved the Greater Pittsburgh International Airport (GPIA) noise compatibility program. All of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the GPIA noise compatibility program is August 23, 1987.

FOR FURTHER INFORMATION CONTACT: Frank Squeglia, Environmental Specialist, FAA Eastern Regional Office, Airports Division, AEA-610, Fitzgerald Federal Building, JFK Int'l Airport, Jamaica, NY 11430; telephone No. (718) 917-0902.

Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval of the noise compatibility program for GPIA, effective August 23, 1987.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted to the FAA a noise exposure map may submit a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land use and prevention of additional noncompatible land uses

within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of the flight procedures which can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, State or local law.

Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Harrisburg, Pennsylvania.

The DACA submitted to the FAA on September 16, 1986, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from April 1979 to July 1981. The GPIA noise exposure maps were determined by FAA to be in compliance with the applicable requirements on March 4, 1987. Notice of this determination was published in the **Federal Register** on March 25, 1987.

The GPIA study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to beyond the year 1990. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on March 4, 1987, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 14 proposed actions for noise mitigation on and off the airport and for review and monitoring of the program. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective August 23, 1987.

Outright approval was granted for all 14 program elements. On-airport actions include preferential runway use and run-up procedures. Off-airport elements include land acquisition, soundproofing, zoning and preventive land use planning and policies.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on August 23, 1987. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above, the FAA Harrisburg Airports District Office, and at the administrative offices of the Greater Pittsburgh International Airport.

Issued in Jamaica, New York, on September 8, 1987.

Arnold Aquilano,

Deputy Director, Eastern Region.

[FR Doc. 87-22091 Filed 9-23-87; 8:45 am]

BILLING CODE 4910-13-M

Airport Noise Compatibility Program; Receipt of and Request for Review of Noise Exposure Map for Memphis International Airport, Memphis, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTON: Notice.

SUMMARY: The FAA announces its determination that the noise exposure maps submitted by the Memphis-Shelby County Airport Authority (MSCAA) for the Memphis International Airport, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for the Memphis International Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before March 8, 1988.

DATES: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is September 10, 1987. The public comment period ends November 10, 1987.

FOR FURTHER INFORMATION CONTACT: Otis T. Welch, Principal Planner/Programmer; Airports District Office; 3973 Knight Arnold Road, Suite 105; Memphis, Tennessee 38118-3004; telephone number 901/521-3495.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for the Memphis International Airport are in compliance with applicable requirements of Part 150, effective September 10, 1987. Further the FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before March 8, 1988. This notice also announces the availability of this program for public review and comment.

Under section 103 of Title I of the Aviation Safety and Noise Abate Act of 79 (hereinafter referred to as "the Act"), an airport operator may submit to the

FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations, Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for the FAA's approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land-use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for the Memphis International Airport, also effective on September 10, 1987. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before March 8, 1988.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific references to these factors. All comments, other than those properly addressed to local land-use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW.; Room 617, Washington, DC 20591.

Airports District Office, 3973 Knight Arnold Rd., Suite 105, Memphis, TN 38118-3004.

Mr. Larry D. Cox, President, Memphis-Shelby County Airport Authority, Memphis International Airport, Memphis, TN 38130.

Questions may be directed to the individual named above under the heading, **"FOR FURTHER INFORMATION CONTACT."**

Issued in Memphis, Tennessee, September 10, 1987.

John M. Dempsey,

Manager, Memphis Airports District Office.

[FR Doc. 87-22089 Filed 9-23-87; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Colbert and Lauderdale Counties, AL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Colbert and Lauderdale Counties, Alabama.

FOR FURTHER INFORMATION CONTACT: Mr. R. W. Evers, District Engineer, Federal Highway Administration, 441 High Street, Montgomery, Alabama 36104-4684, Telephone: (205) 832-7379. Mr. Royce G. King, State of Alabama Highway Department, 1409 Coliseum Boulevard, Montgomery, Alabama 36130, Telephone: (205) 261-6311.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Alabama Highway Department, will prepare an Environmental Impact Statement (EIS) for Alabama Project DE-0026(801). This proposal is to construct a modern multi-lane bridge and approaches crossing the Tennessee River in the Shoals Metropolitan Area. Approximate length of the project is 3.5 miles.

The Tennessee River serves as a physical separation between the City of Florence, located in Lauderdale County on the north side of the river, and the cities of Muscle Shoals, Sheffield, and Tuscumbia, located in Colbert County on the south side of the river. Traffic volumes on existing bridges in the Shoals area approach or exceed the capacities of the structures. As traffic demand in the Shoals Area continues to increase (at an estimated rate of 2.26% annually), operating conditions on the existing bridge will worsen. The proposed multi-lane bridge and approaches will provide a safer and freer flowing facility for both area residents and the traveling public.

Alternatives under consideration include: (1) Alternate route locations, (2) a no action alternative, and (3) postponing the action alternative.

A public involvement meeting has been held to acquire local input on the porposed projects. Written comments have been solicited from Federal, State and local agencies, officials and individuals who may have an interest in the proposal. A scoping meeting is to be held in the auditorium of the Second Division Office of the Alabama Highway Department, Highway 20 East, Tuscumbia, Alabama, at 1:30 p.m. Central Standard Time, on November 4, 1987.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on September 18, 1987.

Ronald W. Evers,

District Engineer, Montgomery, Alabama.

[FR Doc. 87-22047 filed 9-23-87; 8:45 am]

BILLING CODE 4910-22-pM

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: September 18, 1987.

The Department of the Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB number: 1545-0967
Form number: 8453-F
Type of review: Resubmission
Title: U.S. Fiduciary Income Tax Declaration for Magnetic Media/ Electronic Filing

Description: This form will be used to secure taxpayer signatures and declarations in conjunction with the Electronic Filing Pilot for trust and fiduciary income tax returns. This form, together with the electronic transmission, will comprise the taxpayer's income tax return (Form 1041).

Respondents: Individuals or households
Estimated burden: 467 hours

Clearance officer: Garrick Shear (202) 535-4297, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-22070 Filed 9-23-87; 8:45 am]

BILLING CODE 4810-25-M

Customs Service

Revision of Quantity Control Manual for Imported Merchandise

AGENCY: U.S. Customs Service, Treasury.

ACTION: Solicitation of comments.

SUMMARY: Customs is preparing to revise the Quantity Control Manual which describes the correct procedures for reporting and accounting for discrepancies in manifested quantities of imported merchandise. Customs believes that current practices have evolved sufficiently since the last revision to warrant another edition of the Manual. The Manual is of interest to many segments of the importing community and any interested member of the public is invited to submit comments, questions, issues, and procedures to be addressed in the revision of the manual.

DATE: Comments (preferably in triplicate) must be received on or before November 23, 1987.

ADDRESS: Comments should be submitted to and may be inspected at the Regulations Control Branch, Room 2324, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Marie R. Bauer or John Holl, Office of Cargo Enforcement and Facilitation (202-566-8151).

SUPPLEMENTARY INFORMATION:

Background

In 1971, Customs published the Quantity Control Manual for imported merchandise. The Manual describes the correct procedures for reporting and accounting for discrepancies in manifested quantities of imported merchandise and how Customs determines liability for various types of discrepanies. It is used by Customs officers to accomplish the goals of the Imported Merchandise Quantity Control Program. That program has three basic premises: (1) Customs manifest is correct unless timely amended by the carrier, (2) the importing carrier is liable for discrepancies between manifest quantities of unladen merchandise and "permitted" merchandise, i.e., merchandise for which Customs has authorized the carrier to deliver to the consignee or next carrier, and (3) allowances in entry, liquidation, or reliquidation will be made only if a properly executed Customs Form 5931 is submitted to Customs by the importer or his agent at the time of entry or within prescribed time limits thereafter.

The Manual was developed after consultation with various interested parties such as carriers, terminal operators, and trade associations. It was last revised in 1974, and Customs recognizes that changes have occurred in the interim which necessitate another revision. These changes include the increased role of enforcement units in making landed quantity verifications, development of automated manifests with electronic transmittal of manifest and discrepancy information, audit and inspection responsibilities of bonded warehouse proprietors and Foreign Trade Zone operators to make quantity determinations, and regulatory changes which allow importers to make independent claims of non-liability for duties supported by a dock receipt and evidence of non-receipt of merchandise (see § 158.3, Customs Regulations (19 CFR 158.3)).

Because revision of the Manual will impact the trade, Customs wishes to hear from affected segments of the importing community such as carriers, warehouse proprietors, and FTZ operators, as well as any interested member of the public concerning questions, issues, and procedures that should be addressed in a revision of the Manual. Commenters should be aware that although changing business practices are responsible for the need to revise the Manual, the goals of the quantity control program are unchanged. Those goals are to: (1) Improve the reliability of the inward foreign manifest as presented to Customs, (2) reduce or eliminate Customs involvement in commercial disputes by fixing liabilities in advance with a great deal of certainty, and (3) make Customs officers more visibly involved in the physical aspects of quantity control of imported merchandise and less burdened by paperwork controls.

Comments

All comments received will be considered as part of the revision of the Manual. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2324, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

Copies of the Manual

Individual copies of the current edition of the Quantity Control Manual can be obtained free of charge from the Office of Cargo Enforcement and Facilitation, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington,

D.C. 20229. Bulk orders cannot be honored.

Dated: September 17, 1987.

Michael H. Lane,

Acting Commissioner of Customs.

[FR Doc. 87-22040 Filed 9-23-87; 8:45 am]

BILLING CODE 4820-02-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reducation Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice:

Dated: September 17, 1987.

By direction of the Administrator:

David A. Cox,

Associate Deputy Administrator for Management.

Extension

1. Department of Veterans Benefits
2. Matured Endowment Notification
3. VA Form 29-5767
4. This serves as the notification of a matured endowment policy and requests disposition of funds.
5. On occasion
6. Individuals or households
7. 8,751 responses
8. 2,917 hours
9. Not applicable.

[FR Doc. 87-22075 Filed 9-23-87; 8:45 am]

BILLING CODE 8320-01-M

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains a revision and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Public Law 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-2146. Comments and questions about the list should be described to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: September 17, 1987

By Direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management.

Revision

1. Department of Veterans Benefits
2. REPS Annual Eligibility Report
3. VA Form 21-8941
4. This information is needed to determine the amount of entitlement to survivor's benefits.
5. On occasion
6. Individuals or households
7. 300 responses
8. 75 hours
9. Not applicable.

[FR Doc. 87-22076 Filed 9-23-87; 8:45 am]

BILLING CODE 8320-01-M

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: September 18, 1987.

By direction of the Administrator:

Frank E. Lalley,

Director, Office of Information, Management and Statistics.

Extension

1. Department of Veterans Benefits
2. Designation of Beneficiary and Optional Settlement
3. VA Form 29-336
4. This information is used by the insured to designate a beneficiary and by VA to determine claimant's eligibility for insurance benefits.
5. On occasion
6. Individuals or households
7. 87,500 responses
8. 14,583 hours
9. Not applicable.

Extension

1. Department of Veterans Benefits

2. Claim for Monthly Payment, National Service Life Insurance
3. VA Form 29–4125a
4. This information is used to determine beneficiaries eligibility for monthly payments of insurance benefits.
5. On occasion
6. Individuals or households
7. 2,700 responses
8. 675 hours
9. Not applicable.

Extension

1. Department of Veterans Benefits
2. Notice of Past Due Payment
3. VA Form 29–389e
4. This information is used to determine the veteran's eligibility for continued coverage under the National Service Life Insurance program.
5. On occasion
6. Individuals or households
7. 1,936 responses
8. 484 hours
9. Not applicable.

Extension

1. Department of Veterans Benefits
2. Statement in Support of Claim
3. VA Form 21–4138
4. This information is provided by claimants in support of claims and is used by VA to determine entitlement to benefits.
5. On occasion
6. Individuals or households
7. 752,000 responses
8. 188,000 hours
9. Not applicable.

Extension

1. Department of Veterans Benefits
2. Statement of Heirs for Payment of Credits Due Estate of Deceased Veteran
3. VA Form Letter 29–596
4. This information is used to obtain information for payment of credits due the estate of a deceased veteran.
5. On occasion
6. Individuals or households
7. 312 responses
8. 78 hours
9. Not applicable.

Extension

1. Department of Veterans Benefits
2. Financial Counseling Statement
3. VA Form Letter 26–8844
4. This information is obtained by VA loan service representatives when counseling veteran-obligors regarding defaulted guaranteed home loans.
5. On occasion
6. Individuals or households
7. 6,000 responses
8. 4,500 hours
9. Not applicable.

Extension

1. Department of Veterans Benefits
2. Application for Amounts Due Estates of Persons Entitled to Benefits
3. VA Form Letter 21–609
4. This information is used to determine a claimaint's entitlement to accrued benefits.
5. On occasion
6. Individuals or households
7. 750 responses
8. 375 hours
9. Not applicable.

Extension

1. Department of Veterans Benefits
2. Certification of School Attendance or Termination
3. VA Form 21–8960
4. This information is used to verify the continued eligibility or termination of a child's educational benefits.
5. On occasion
6. Individuals or households
7. 150,000 responses
8. 12,500 hours
9. Not applicable.

Extension

1. Department of Veterans Benefits
2. Monthly Statement of Wages Paid to Trainee
3. VA Form 28–1917
4. This information is used by the vocational rehabilitation specialist to determine the correct rate of subsistence allowance which may be paid to a trainee in an established, approved OJT or apprenticeship program.
5. Monthly
6. Individuals or households; Businesses or other for-profit; and Small businesses or organizations
7. 3,600 responses
8. 1,800 hours
9. Not applicable.

Extension

1. Department of Memorial Affairs
2. Verification of Eligibility for Burial in a National Cemetery
3. VA Form 40–4962
4. This information is used to determine eligibility for benefits.
5. One time only
6. Individuals or households
7. 52,000 responses
8. 8,667 hours
9. Not applicable.

Reinstatement

1. Department of Veterans Benefits
2. Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status
3. VA Form 28–1905
4. This information is used to verify entitlement for benefits under this program
5. On occasion
6. Individuals or households; Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; and Small Businesses or organizations
7. 35,000 responses
8. 2,917 hours
9. Not applicable.

[FR Doc. 87–22077 Filed 9–23–87; 8:45 am]
BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 185
Thursday, September 24, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Tuesday, September 29, 1987, 10:00 a.m.

LOCATION: Room, 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the Public

MATTERS TO BE CONSIDERED:

1. Enforcement Matter OS #5364

The staff will brief the Commission on Enforcement Matter OS #5364.

2. Compliance Status Report

The staff will brief the Commission on a Compliance Status Report.

For a recorded message containing the latest agenda information, call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Sheldon D. Butts,
Deputy Secretary.
Sept. 22, 1987.

[FR Doc. 87–22183 Filed 9–22–87; 4:07 pm]
BILLING CODE 6355–01–M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Thursday, October 1, 1987, 10:00 a.m.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

STATUS:

Open to the public

MATTERS TO BE CONSIDERED:

1. *Lawn Darts: Options*

The Commission will consider options related to lawn darts.

2. *FY '88 Operating Plan*

The staff will brief the Commission on the fiscal year 1988 Operating Plan.

Closed to the Public

3. *Enforcement Matter OS #4242*

The staff will brief the Commission on Enforcement Matter OS #4242.

For a recorded message containing the latest agenda information, call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 87–22184 Filed 9–22–87; 4:07 pm]
BILLING CODE 6355–01–M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, September 29, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, October 1, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.
Public Records and the Freedom of Information Act Regulations—Approval of Final Version of Regulations.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202–376–3155.

Marjorie W. Emmons,
Secretary of the Commission.

[FR Doc. 87–22147 Filed 9–22–87; 2:20 p.m.]
BILLING CODE 6715–01–M

FEDERAL HOME LOAN BANK BOARD
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: None at this time.

PLACE: In the Board Room, 6th Floor, 1700 G Street, NW., Washington, DC.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6679).

CHANGES IN THE MEETING: The notice previously sent to you regarding the Federal Home Loan Bank Board meeting scheduled for Friday, October 2, 1987, at 8:00 a.m., should have listed the titles of the items for consideration in the following manner instead of one paragraph:

Amendments To Regulations Concerning Appraisal Standards
Amendments To Regulations Concerning Classification of Assets
Amendments To Regulations Concerning The Qualified Thrift Lender Test
Guidelines Concerning Notice and Disapproval Procedures For Applications

Nadine Y. Washington,
Acting Secretary.
No. 11, September 21, 1987.

[FR Doc. 87–22104 Filed 9–21–87; 8:59 pm]
BILLING CODE 6720–01–M

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 10:30 a.m., Thursday, October 1, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: September 21, 1987.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 87–22112 Filed 9–22–87; 9:24 am]
BILLING CODE 6210–01–M

FEDERAL RESERVE SYSTEM: Committee on Employee Benefits.

TIME AND DATE: 4:00 p.m., Wednesday, September 30, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to (a) The General administrative policies and procedures of the Retirement Plan, Thrift Plan, Long-Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenace of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal, actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans. Specific items include: Proposed early retirement program for employees of two Federal Reserve Banks. (These items were originally announced for a closed meeting on Wednesday, September 23, 1987.)

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: September 22, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-22141 Filed 9-22-87; 1:23 pm]

BILLING CODE 6210-01-M

LEGAL SERVICES CORPORATION

Board of Directors Meeting.

TIME AND DATE: The meeting will commence at 8:00 P.M. on Thursday, October 1, 1987, and continue at 9:00 A.M. on Friday, October 2, 1987, until all official business is completed.

PLACE: Loews L'Enfant Plaza Hotel, Caucus Room (Executive Session), L'Enfant Ballroom (A), 480 L'Enfant Road, Washington, D.C. 20024.

STATUS OF MEETING: Open (A portion of the meeting is to be closed to discuss personnel, personal, litigation, and investigatory matters under the Government in the Sunshine Act [5 U.S.C. 552b(c) (2), (6), (7), 9(B), and (10) and 45 CFR 1622.5 (a), (e), (f), (g), and (h)].

MATTERS TO BE CONSIDERED;

1. Personnel and Personal Matters (closed, Executive Session)
2. Litigation and Investigation Matters (closed, Executive Session)
3. Approval of Agenda
4. Approval of Minutes, August 28, 1987
5. Consideration and Review of LSC Budget FY 1988
   - *Delivery of Legal Assistance
     - —Basic Field Programs
     - —Native American Programs and Components
     - —Migrant Programs and Components
     - —Reserve for Special Adjustments
     - —Program Development
     - —Law School Clinics & Recruitment
     - —Supplemental Field Programs
     - —R.H. Smith Fellowship
   - *Support for Delivery of Legal Assistance
     - —Trainaing Development & Technical Assistance
     - —Regional Training Centers
     - —National Support
     - —State Support
     - —Clearinghouse
     - —CALR Grants
     - —Special Elderly Programs
     - —Special Law School Grants
   - *Management and Administration
6. Voucher Project Status Report
7. Report on Law School Clinics

Discussion and Public Comment follow each item.

CONTACT PERSON FOR MORE INFORMATION: Maureen R. Bozell, Executive Office, (202) 863-1839.

Date Issued: September 22, 1987.

Maureen R. Bozell,

Secretary.

[FR Doc. 87-22185 Filed 9-22-87; 4:06 pm]

BILLING CODE 6820-35-M

federal register

Thursday
September 24, 1987

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 29 and 52

Federal Acquisition Regulation (FAR); State of New Mexico Gross Receipts and Compensating Tax; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 29 and 52

Federal Acquisition Regulation (FAR); State of New Mexico Gross Receipts and Compensating Tax

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering revisions to FAR 29.401–6 and 52.229–10 pertaining to State of New Mexico gross receipts and compensating tax.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before November 23, 1987, to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 87–34 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION:

A. Background

Nine Federal agencies have entered into separate agreements with the Taxation and Revenue Department of the State of New Mexico to eliminate double taxation of Government cost-reimbursable contractors which purchase tangible personal property to be used in performing services, title to which passes to the United States upon delivery of the property to the contractor by the vendor.

This agreement is effective only when the clause at FAR 52.229–10, State of New Mexico Gross Receipts and Compensating Tax, is included in each cost-reimbursement contract for the following Federal agencies:

United States Department of Agriculture
United States Department of the Air Force
United States Department of the Army
United States Department of Energy
United States Department of the Interior
United States Department of Labor
United States Department of the Navy
United States General Services Administration
United States National Aeronautics and Space Administration

Failure to include the proposed clause in each cost-reimbursement contract means the Government reimburses the contractor the gross receipts tax paid to a vendor for purchased tangible personal property and reimburses the contractor for its own gross receipts tax which includes the tax already paid on purchased property (double taxation).

The proposed coverage in FAR 29.401–6 encourages other agencies which expect to enter into cost-reimbursement contracts in the State of New Mexico to execute similar agreements with the New Mexico Taxation and Revenue Department.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601, *et seq.*, because its application is limited to cost-reimbursement contracts of a limited number of agencies performed within a single state. The majority of contracts awarded to small businesses are fixed price. An initial regulatory flexibility analysis, has therefore not been performed. Comments are invited from small businesses and other parties. Comments from small entities concerning the affected FAR Subpart will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR Case 87–610 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub L. 96–511) does not apply because the proposed rule does not impose any additional recordkeeping or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.* The certifications and other information specified in the clause at 52.229–10 are existing requirements under New Mexico State law.

List of Subjects in 48 CFR Parts 29 and 52

Government procurement.

Dated: September 15, 1987.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Parts 29 and 52 be amended as set forth below:

1. The authority citation for Parts 29 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 29—TAXES

2. Section 29.401–6 is added to read as follows:

29.401–6 New Mexico gross receipts and compensating tax.

(a) *Definition.* "Services," as used in this subsection, means all activities engaged in for other persons for a consideration, which activities involve predominately the performance of a service as distinguished from selling or leasing property. "Services" includes activities performed by a person for its members or shareholders. In determining what is a service, the intended use, principal objective or ultimate objective of the contracting parties shall not be controlling. "Services" also includes construction activities and all tangible personal property that will become an ingredient or component part of a construction project. Such tangible personal property retains its character as tangible personal property until it is installed as an ingredient or component part of a construction project in New Mexico. However, sales of tangible personal property that will become an ingredient or component part of a construction project to persons engaged in the construction business are sales of tangible personal property.

(b) *Contract clause.* The contracting officer shall insert the clause at 52.229–10, State of New Mexico Gross Receipts and Compensating Tax, in solicitations and contracts issued by the executive agencies identified in paragraph (c) of this subsection when all three of the following conditions exist:

(1) The contractor will be peforming a cost-reimbursement contract;

(2) The contract directs or authorizes the contractor to acquire tangible personal property as a direct cost under a contract and title to such property passes directly to and vests in the United States upon delivery of the property by the vendor; and

(3) The contract will be for services to be performed in whole or in part within the State of New Mexico.

(c) *Participating agencies.* (1) The executive agencies listed below have entered into an agreement with the State of New Mexico to eliminate the double taxation of Government cost-reimbursement contracts when contractors and their subcontractors purchase tangible personal property to be used in performing services in whole or in part in the State of New Mexico and for which title to such property will pass to the United States upon delivery of the property to the contractor and its subcontractors by the vendor. Therefore, the clause applies only to solicitations and contracts issued by the—

United States Department of Agriculture
United States Department of the Air Force
United States Department of the Army
United States Department of Energy
United States Department of the Interior
United States Department of Labor
United States Department of the Navy
United States General Services Administration
United States National Aeronautics and Space Administration.

(2) Any other Federal agency which expects to award cost-reimbursement contracts to be preformed in New Mexico should contact the New Mexico Taxation and Revenue Department to execute a similar agreement.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.229-10 is added to read as follows:

52.229.10 State of New Mexico Gross Receipts and Compensating Tax.

As prescribed in 29.401-6(b), insert the following clause:

State of New Mexico Gross Receipts and Compensating Tax (SEP 1987)

(a) Within thirty (30) days after award of this contract, the Contractor shall advise the State of New Mexico of this contract by registering with the State of New Mexico, Taxation and Revenue Department, Revenue Division, pursuant to the Tax Administration Act of the State of New Mexico and shall identify the contract number.

(b) The Contractor shall pay the New Mexico gross receipts taxes, pursuant to the Gross Receipts and Compensating Tax Act of New Mexico, assessed against the contract fee and costs paid for performance of this contract, or of any part or portion thereof, within the State of New Mexico. The allowability of any gross receipts taxes or local option taxes lawfully paid to the State of New Mexico by the Contractor or its subcontractors will be determined in accordance with the Allowable Cost and Payment clause of this contract except as provided in paragraph (d) of this clause.

(c) The Contractor shall submit applications for Nontaxable Transaction Certificates, Form CSR-3C, to the State of New Mexico Taxation and Revenue Department, Revenue Division, P.O. Box 630, Santa Fe, New Mexico 87509. When the Type 15 Nontaxable Transaction Certificate is issued by the Revenue Division, the Contractor shall use these certificates strictly in accordance with this contract, and the agreement between the ([1]_____) and the New Mexico Taxation and Revenue Department.

(d) The Contractor shall provide Type 15 Nontaxable Transaction Certificates to each vendor in New Mexico selling tangible personal property to the Contractor for use in the performance of this contract. Failure to provide a Type 15 Nontaxable Transaction Certificate to vendors will result in the vendor's liability for the gross receipt taxes and those taxes, which are then passed on to the Contractor, shall not be reimbursable as an allowable cost by the Government.

(e) The Contractor shall pay the New Mexico compensating user tax for any tangible personal property which is purchased pursuant to a Nontaxable Transaction Certificate if such property is not used for Federal purposes.

(f) Out-of-state purchase of tangible personal property by the Contractor which would be otherwise subject to compensation tax shall be governed by the principles of this clause. Accordingly, compensating tax shall be due from the contractor only if such property is not used for Federal purposes.

(g) The ([1]_____) may receive information regarding the Contractor from the Revenue Division of the New Mexico Taxation and Revenue Department and, at the discretion of the ([1]_____), may participate in any matters or proceedings pertaining to this clause or the above-mentioned Agreement. This shall not preclude the Contractor from having its own representative nor does it obligate the ([1]_____) to represent its Contractor.

(h) The Contractor agrees to insert the substance of this clause, including this paragraph (h), in each subcontract which meets the criteria in 29.401-6(b)(1) through (3) of the Federal Acquisition Regulation, 48 CFR Part 29.

(i) Paragraphs (a) through (h) of this clause shall be null and void should the Agreement referred to in paragraph (c) of this clause be terminated; provided, however, that such termination shall not nullify obligations already incurred prior to the date of termination.

(End of clause)

([1] Insert appropriate agency name in blanks)

[FR Doc. 87-22038 Filed 9-23-87; 8:45 am]
BILLING CODE 6820-61-M

federal register

Thursday
September 24, 1987

Part III

Environmental Protection Agency

40 CFR Part 192

Standards for Remedial Actions at Inactive Uranium Processing Sites; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 192

[FR 3227-5]

Standards for Remedial Actions at Inactive Uranium Processing Sites

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency is proposing health and environmental regulations to correct and prevent contamination of ground water beneath and in the vicinity of inactive uranium processing sites by uranium tailings. EPA issued regulations (40 CFR Part 192 Subparts A, B, and C) for cleanup and disposal of tailings from these sites on January 5, 1983. These new regulations would replace existing provisions at 40 CFR 192.20(a) (2) and (3) that were remanded by the Tenth Circuit Court of Appeals on September 3, 1985. They are proposed pursuant to section 275 of the Atomic Energy Act (42 U.S.C. 2022), as amended by Section 206 of the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604) (UMTRCA).

The regulations would apply to tailings at the 24 locations that qualify for remedial action under Title I of Pub. L. 95-604. They provide that tailings must be stabilized and controlled in a manner that permanently eliminates or minimizes contamination of ground water beneath stabilized tailings, so as to protect human health and the environment. They also provide for cleanup of contamination that existed before the tailings are stabilized.

DATES: *Comments.* Comments on this Notice of Proposed Rulemaking will be accepted until October 26, 1987.

Hearing. A Public Hearing will be held on October 29, 1987 at 9:00 a.m. (see below).

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE-130), U.S. Environmental Protection Agency, Attention: Docket Number R-87-01, Washington, DC 20460. The Docket is available for public inspection between 8:00 a.m. and 3:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE-130), West Tower Lobby, 401 M Street SW., Washington, DC. A reasonable fee may be charged for copying.

Hearing. A Public Hearing will be held at the Strater Hotel, 699 Main Ave., Durango, Colorado 81301. Requests to participate should be made in writing to Floyd L. Galpin, Acting Director, Criteria and Standards Division (ANR-460), U.S. Environmental Protection Agency, Washington, DC 20460. All requests should include an outline of the topics to be addressed and names of the participants. Oral presentations should be limited to a maximum of 30 minutes. Presentations may also be made without prior notice, but may be subjected to time contraints at the discretion of the hearing officer. Written comments made during or in conjunction with the oral presentations will be accepted after the hearing for a period of time to be announced at the hearing.

FOR FURTHER INFORMATION CONTACT: Kurt L. Feldmann, Guides and Criteria Branch (ANR-460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, DC 20460; telephone number (202) 475-9620.

SUPPLEMENTARY INFORMATION:

I. Supporting Document

A report ("Draft Background Information Document—Proposed Standard for the Control of Contamination in Ground Water in the Vicinity of Inactive Uranium Mill Sites," EPA 520/1-87-014) has been prepared to support these proposed regulations. Single copies may be obtained from the Program Management Office (ANR-458), Office of Radiation Programs, Environmental Protection Agency, Washington, DC 20460; (202) 475-8386.

The report contains a brief history of the Title I sites, a summary of the types and quantities of ground-water contamination present at sites for which such data are available, where and over what period of time the contamination is projected to disperse in the absence of control, and a description of alternate ground-water contamination control and cleanup technologies and their associated costs. An analysis of information supporting the decisions reflected in this proposed standard completes the report.

II. Scope of this Proposed Rulemaking

On November 8, 1978, Congress enacted the Uranium Mill Tailings Radiation Control Act of 1978, Pub. L. 95-604 (henceforth called "UMTRCA"). In UMTRCA, Congress enunciated its finding that uranium mill tailings ". . . may pose a potential and significant radiation health hazard to the public, and . . . that every reasonable effort should be made to provide for stabilization, disposal, and control in a safe and environmentally sound manner of such tailings in order to prevent minimize radon diffusion into the environment and to prevent or minimize other environmental hazards from such tailings." The Act directs the Administrator of the Environmental Protection Agency (EPA) to set ". . . standards of general application for the protection of the public health, safety, and the environment . . ." to govern this process of stabilization, disposal, and control.

UMTRCA directs the Department of Energy (DOE) to conduct such remedial actions at the inactive uranium processing sites as will insure compliance with the standards established by EPA. This remedial action is to be selected and performed with the concurrence of the Nuclear Regulatory Commission (NRC).

Standards are required for two types of remedial action: disposal and cleanup. Here disposal is used to mean the operation which places tailings in a permanent condition that will minimize risk to people and harm to the environment. Cleanup is the operation which eliminates or reduces to acceptable levels the potential health and environmental consequences of tailings or their constituents that have been dispersed from tailings piles by natural forces or people prior to disposal.

On January 5, 1983, EPA promulgated final standards for the disposal and cleanup of the inactive mill tailings sites under UMTRCA (48 FR 590). These standards were challenged in the Tenth Circuit Court of Appeals by several parties (Case Nos. 83-1014, 83-1041, 83-1206, and 83-1300). On September 3, 1985, the court dismissed all challenges except one: it set aside the ground-water provisions of the regulations at 40 CFR 192.20(a)(2)-(3) and remanded them to EPA ". . . to treat these toxic chemicals that pose a ground-water risk as it did in the active mill site regulations." With this notice, EPA is proposing new regulations to replace those set aside.

III. Summary of Background Information

Beginning in the 1940's, the U.S. Government purchased large quantities of uranium for defense purposes. As a result, large piles of tailings were created by the uranium milling industry. Tailings piles pose a hazard to public health and the environment because they contain radioactive and toxic constituents which emanate radon to the atmosphere and may leach into ground water. Tailings are a sand-like material, and have also been removed from tailings piles in the past for use in construction and for soil conditioning. These uses are inappropriate, because the radioactive and toxic constituents of tailings may elevate indoor radon levels,

expose people to gamma radiation, and leach into ground and surface waters.

Most of these mills are now inactive and many are abandoned. Congress designated 22 specific inactive sites in Title I of UMTRCA, and the DOE subsequently added 2 more. Most other uranium tailings sites are regulated by the NRC or States under Title II of UMTRCA (DOE owns one inactive site at Monticello, Utah, that is not included under UMTRCA). The Title I sites are all located in the West, predominantly in arid areas, except for a single site at Canonsburg, Pennsylvania. Tailings piles at the inactive sites range in area from 5 to 150 acres and in height from only a few feet to as much as 230 feet. The amount at each site ranges from residual contamination to 2.7 million tons of tailings. The 24 designated Title I sites combined contain about 26 million tons of tailings covering a total of about 1000 acres.

The disposal of tailings at these sites is currently being carried out by DOE under the provisions of Title I of UMTRCA. In addition, tailings that were dispersed from the piles by natural forces, or that have been removed for use in or around buildings, or on land, are being retrieved and replaced on the tailings piles prior to their disposal.

UMTRCA requires that DOE complete all these remedial actions within 7 years of the effective date of EPA's standards; that is by March 5, 1990. Remedial actions have been completed at the Canonsburg, Pennsylvania, pile, the only site in an area of high precipitation, and at Shiprock, New Mexico. Remedial actions are currently well advanced at two other sites: Salt Lake City, Utah and Lakeview, Oregon. Work is expected to begin at approximately six others during 1987–1988. In view of the rate of progress with remedial work, the DOE is requesting a legislative extension of the completion date until September 1993.

The most important hazardous constituent of uranium mill tailings is radium, which is radioactive. Other potentially hazardous substances in tailings piles include arsenic, molybdenum, selenium, uranium, and usually in lesser amounts, a variety of other toxic substances. The concentrations of these materials vary from pile to pile, ranging from 2 to more than 100 times applicable standards. Although a variety of organics are known to have been used at these sites, none has thus far been detected in tailings.

Exposure to radioactive and toxic substances may cause cancer and other diseases, as well as genetic damage and teratogenic effects. Tailings pose a risk to health because: (1) Radium in tailings decays into radon, a gaseous radioactive element which is easily transported in air, and whose radioactive decay products may lodge in the lungs; (2) individuals may be directly exposed to gamma radiation from the radioactivity in tailings; and (3) radioactive and toxic substances from tailings may leach into water and then be ingested with food or water. It is the last of these hazards that is primarily addressed here. (Although radon from radium in ground water is unlikely to pose a hazard in these locations, these proposed standards would also address that potential hazard.) The other hazards are covered by existing provisions of 40 CFR Part 192.

We have based our analysis on detailed reports for 12 of the 24 inactive uranium mill tailings sites that have been developed to date for the Department of Energy by its contractors. Preliminary data for the balance of the sites have also been examined. These data show that the volumes of contaminated water in the existing aquifers at the 24 sites range from 23 million gallons to 4 billion gallons. In a few instances, mill effluent was apparently the sole source of this ground water. Each of the 12 sites examined in detail have ground-water contamination beneath and/or beyond the site. In some cases, the ground water upgradient of the pile already exceeded EPA drinking water standards for one or more contaminants, thus making it unsuitable for use as drinking water and, in some extreme cases, for any other purpose before it was contaminated by effluent from the mill. Some contaminants from the tailings piles are moving offsite quickly and others are moving slowly. The time for natural flushing of the contaminated portions of these aquifers is estimated to vary from several years to many hundreds of years.

Contaminants that have been identified in the ground water downgradient from a majority of the sites include uranium, sulfate, iron, manganese, nitrate, chloride, molybdenum, selenium, and total dissolved solids. Radium, cobalt, arsenic, fluoride, chromium, cadmium, ammonium, boron, vanadium, lead, thorium, zinc, silver, copper, and magnesium, have also been found in the ground water at one or more sites.

UMTRCA requires that the standards established under Title I provide protection that is consistent, to the maximum extent practicable, with the requirements of the Resource Conservation and Recovery Act (RCRA). In this regard, regulations established by EPA for hazardous waste disposal sites under RCRA provide for the specification of ground-water protection limits for the specific hazardous constituents relevant to each regulated unit in permits. These regulations contain general numerical limits for some constituents in ground water; limits for other constituents are set at their background level in ground water at the regulated unit. Together with a provision for the point of compliance, these limits become the facility's ground-water protection standard, unless alternate concentration limits (ACLs) are approved. ACLs may be requested based upon data which would support a determination that, if the ACL is satisfied, the constituent would not present a current or potential threat to human health or the environment.

IV. The Proposed Standards

The proposed standards consist of two parts; a first part governing the control of any future ground-water contamination that may occur from tailings piles after disposal, and a second part that applies to the cleanup of contamination that occurred before disposal of the tailings piles.

A. The Ground-Water Standard for Disposal

The proposed standard (Subpart A) for control of potential contaminant releases to ground water after disposal is divided into two parts that separately address actions to be carried out during period of time designated as the remedial and post-disposal periods. The remedial and post-disposal periods are defined in a manner analogous to the closure and post-closure periods, respectively, in RCRA regulations. However, there are some differences regarding their duration and the timing of any corrective actions that may become necessary due to failure of disposal to perform as designed. (Because there are no mineral processing activities currently at these inactive sites, standards are not needed for an operational period.) The remedial period, for the purpose of this regulation, is defined as that period of time beginning on the effective date of the original Part 192 (Title I) standard (March 7, 1983) and ending with compietion of remedial actions by DOE. The post-disposal period begins with completion of remedial actions and ends after an appropriate period for the monitoring of ground water to confirm the adequacy of the disposal, as determined by NRC for each site. The proposed ground-water standard for the disposal to be carried out during the remedial period adopts relevant

paragraphs from Subpart F of Part 264 of this Chapter (§§ 264.92–264.95). The proposed standard for the post-disposal period adopts § 264.111 (a) and (b) of this Chapter, and also incorporates provisions for monitoring and a corrective action program. These provisions are essentially the same as those governing the licensed (Title II) uranium mill tailings sites (40 CFR 192, Subparts D and E; see also the Federal Register notices for these standards published on April 29, 1983 and on October 7, 1983). However, additional constituents are here proposed to be regulated (in addition to the general RCRA list of hazardous constituents and table of applicable limits) that are applicable to these sites only.

These proposed regulations would require installation of monitoring systems upgradient of the point of compliance (i.e., in the uppermost aquifer upgradient of the edge of the tailings disposal site) to determine background levels of any listed constituents that occur naturally at the site. The disposal would then be designed to control, to the extent reasonably achievable for 1000 years and, in any case, for at least 200 years, all listed constituents identified in the tailings at the site to levels for each constituent derived in accordance with § 264.94. Accordingly, the elements of the ground-water protection standard to be specified for each disposal site would include a list of relevant constituents, the concentration limits for each such constituent, and the compliance point.

To obtain an ACL for any constituent, the DOE would have to provide data to support a finding that the presence of the constituent at the proposed ACL in ground water at the site would not pose a substantial present or potential hazard to human health or the environment. ACLs could be granted provided that, after considering practicable corrective actions, a determination can be made that it satisfies the lower of the values given by the standard for setting ACLs in § 264.94(b), and the corrective action that is as low as reasonably achievable (ALARA).

The standards of Title II sites require use of a liner under new tailings piles or lateral extensions of existing piles. These standards for remedial action at the inactive Title I sites do not contain a similar provision. We assume that the inactive piles will not need to be enlarged. Several, however, will be relocated. However, unlike tailings at the Title II sites, which generally may contain large amounts of process water, the inactive tailings contain little or no free water. Such tailings, if properly located and stablized with an adequate cover, are not likely to require a liner in order to protect ground water.

However, a liner may be required to satisfy the proposed ground-water standards in situations where tailings now, or may in the future, contain water above the level of specific retention. For example, tailings to which water is added to facilitate their removal to a new site (i.e., through slurrying) or piles in areas of high precipitation or within the zone of water table fluctuation could discharge contaminants to ground water. Under § 192.20(a)(2) of these proposed standards, it would be necessary for the DOE, with the concurrence of the NRC, to propose and carry out a disposal design in such circumstances which uses a liner or equivalent to assure that ground water would not be contaminated and, at the same time, satisfy the existing requirements of these standards for control of radon emissions. In such circumstances, this may be accomplished by installing a liner beneath the tailings whose permeability is greater than that of the cover material. If the tailings form an acid solution when mixed with water, a neutalizing material mixed with the tailings or added to the liner are additional methods that may need to be considered to fix listed constituents in the immediate vicinity of a pile. In addition, a capillary break may be necessary to prevent migration of water into a pile from below. Currently, however, DOE plans do not include slurrying any tailings to move them to new locations. Further, for all but one site that has already been closed (Canonsburg), the tailings are located in arid areas where annual precipitation is low.

Disposal designs which prevent migration of listed constituents in the ground water for a short period of time would not provide appropriate protection. Such approaches simply defer adverse ground-water effects. Therefore, measures which only modify the gradient in an aquifer or create barriers (e.g., slurry walls) would not of themselves provide an adequate disposal. Where feasible, it may be appropriate to protect ground water by preventing generation of leachate containing listed constituents. A method that appears promising is fixing the constituents *in situ* (in place) so they cannot be leached out. *In situ* treatment of constituents may be considered analogous to removal when it provides long-term protection of human health or the environment. While the Agency recognizes that *in situ* treatment is an emerging technology, applied in only limited circumstances to date, it should be considered where it can provide an effective ground-water protection strategy.

At the end of the remedial period (i.e., when disposal and any cleanup required under Subpart B has been completed), ground waters would be required to be in compliance with the standards established pursuant to these regulations. During the post-disposal period, the regulations would further require that methods used for disposal provide a reasonable expectation that the provisions of § 264.111 (a) and (b) will be met. Paragraph 264.111(a) requires that a site be closed in a manner that minimizes further maintenance. Paragraph 264.111(b) requires control, minimization, or elimination of post-disposal escape of listed constituents to ground or surface water to the extent necessary to prevent threats to human health and the environment. In the context of these regulations, this would mean control pursuant to the standards established under §§ 264.92–264.95. Depending on the properties of the sites, candidate disposal systems, and the effects of natural processes over time, measures required to satisfy the proposed standards would vary from site to site. Actual site data, computational models, and prevalent expert judgment would be used in deciding that proposed measures will satisfy the standards. Under the provisions of section 108(a) of UMTRCA, the adequacy of these judgments would be determined by the NRC.

During the post-disposal period, monitoring of the disposal would be required for a period sufficient to verify the adequacy of the disposal to achieve its design objectives for containment of listed constituents. This period is intended to be comparable to the time period required under § 264.117 for waste sites regulated under RCRA (i.e., a few decades). It is not intended that monitoring be carried out for the 200- to 1000-year period over which the disposal is designed to be effective.

If listed constituents from a disposal site appeared during the post-disposal period in excess of the ground-water standards for disposal, the proposed regulations would require a corrective action program designed to bring the disposal and the ground water back into compliance. Such a corrective action would have to last as long as is necessary to achieve conformance with the ground-water protection standard, and include a modification of the monitoring program sufficient to

demonstrate that the corrective measures will be permanently successful.

Additional Regulated Constituents

For the purpose of this regulation only, the Agency proposes to regulate, in addition to the hazardous constituents referenced by § 264.93: molybdenum, nitrate, combined radium-226 and radium-228, and combined uranium-234 and uranium-238. Molybdenum, radium, and uranium were addressed by the Title II standards because these radioactive and/or toxic constituents are found in high concentrations at many mill tailings sites. Nitrate is proposed for addition because it has been identified in concentrations far in excess of drinking water standards in ground water at a number of the inactive sites.

The proposed concentration limit for molybdenum in ground water from uranium tailings is 0.10 milligram per liter. This is the value of the provisional adjusted acceptable daily intake (AADI) for drinking water developed by EPA under the Safe Drinking Water Act (50 FR 46958). The Agency has proposed neither a maximum concentration limit goal (MCLG) nor a maximum concentration limit (MCL) for molybdenum because it occurs only infrequently in water. According to the most recent report of the National Academy of Sciences (*Drinking Water and Health*, 1980, Vol. III), molybdenum from drinking water, except for highly contaminated sources (e.g., molybdenum mining wastewater) is not likely to constitute a significant portion of the total human intake of this element. However, since uranium tailings can be a highly concentrated source of molybdenum, it is appropriate to include a standard for molybdenum in this proposed rule. In addition to the hazard to humans, our analysis of toxic substances in tailings in the Final Environmental Impact Statement for Remedial Action Standards for Inactive Uranium Processing Sites (EPA 520/4–82–013–1) found that, for ruminants, molybdenum in concentrations greater than 0.5 ppm in drinking water would lead to chronic toxicity.

The proposed limit for combined uranium-234 and uranium-238 due to contamination from uranium tailings is 30 pCi per liter. At this concentration, the estimated lifetime radiation risk of fatal cancer would be the same as that for the existing ground water standard for combined radium-226 and radium-228 (5 pCi per liter) (51 FR 34836), based on dose assessments for ingestion as determined by the International Commission on Radiological Protection. This proposed limit would apply to remedial actions for uranium tailings under these regulations only; the Agency has not made a proposal for a general standard for isotopes of uranium in water. However, this limit is within the range of values currently under consideration for drinking water.

The proposed concentration limit for nitrate (as nitrogen) is 10 mg per liter. This is the value of the interim drinking water standard for nitrate.

B. The Cleanup Standard

With the exception of the point of compliance provision, the proposed standard (Subpart B) for cleanup of contaminated ground water contains identical basic provisions (§§ 264.92–.94) as the standard for disposal in Subpart A. In addition, it provides for the establishment of supplemental standards under certain conditions and for use of institutional control to permit passive restoration through natural flushing when no community drinking water source is involved.

The standards do not specify a single point of compliance for the cleanup of ground water that has been contaminated by residual radioactive materials from uranium milling before final disposal. Instead, the "point of compliance" is any point where contamination is found in the ground water. The standard requires DOE to establish a monitoring program to determine the extent of contamination (§ 192.12(c)(1)) in ground water around a processing site (§ 192.11(b)). The possible presence of any of the inorganic or organic hazardous constituents identified in tailings or used in the processing operation should be assessed. The remedial action plan referenced under § 192.20(b)(4) would document the extent of contamination, the rate and direction of movement of contaminants, and consider future movement of the plume.

The proposed cleanup standards would normally require restoration of all contaminated ground water to the levels provided for under § 264.94. These levels are either background concentrations, the levels specified in Tables 1 and A, or ACLs. In cases where the ground water is not classified as Class III, any ACL should be determined under the assumption that the ground water may be used for drinking purposes.

In certain circumstances, however, supplemental standards set at levels that assure, at a minimum, protection of human health and the environment, and come as close to meeting the otherwise applicable standards as is reasonably achievable by remedial actions could be granted if:

- The ground water at the site is Class III (See definitions, § 192.11(e)) in the absence of contamination from tailings; or
- Complete restoration would cause more environmental harm than it would prevent; or
- Complete restoration is technically impracticable from an engineering perspective.

The use of supplemental standards for Class III ground water would apply the ground water classification system established in EPA's 1984 Ground Water Protection Strategy. Procedures for classifying ground water are presented in "Guidelines for Ground-Water Classification under the EPA Ground-Water Protection Strategy" released in final draft in December 1986 and due to be finalized during late 1987. Under these draft guidelines, Class I ground waters encompass highly vulnerable resources of particularly high value, e.g. an irreplaceable source of drinking water or ecologically vital ground water. Class II ground water include all non-Class I ground water that is currently used or is potentially adequate for drinking water. Class III encompasses ground waters that are not a current or potential source of drinking water due to widespread, ambient contamination caused by natural or human-induced conditions, or cannot provide enough water to meet the needs of an average household. Human-induced conditions would not include the contribution from the uranium mill tailings. At sites with Class III ground water, the proposed supplemental standards would require only such management of contamination due to tailings as would be required to prevent additional adverse impacts on human health and the environment from that contamination. For example, if the additional contamination from the tailings would cause an adverse effect on Class II ground water that has a significant interconnection with the Class III ground water over which the tailings reside, then the additional contamination from the tailings would have to be abated.

Supplemental standards may also be appropriate in certain other cases similar to those addressed in section 121(d)(4) of the Superfund Amendments and Reauthorization Act of 1986 (SARA). SARA recognizes that cleanup of contamination could sometimes cause environmental harm disproportionate to the health effects it would alleviate. For example, if fragile ecosystems would be impaired by any reasonable restoration process (or by carrying a restoration process to extreme lengths to remove small amounts of residual

contamination), then it might be prudent to protect them in lieu of completely restoring ground-water quality. Decisions regarding tradeoffs of environmental damage can only be based on characteristics peculiar to the location. We do not know whether there are such situations in the UMTRCA program, but we believe that DOE should be permitted to propose supplemental standards in such situations, after thorough investigation and consideration of all reasonable restoration alternatives, for concurrence by the NRC.

Based on currently available information, we are not aware that at least substantial restoration of ground-water quality is technically impracticable from an engineering perspective at any of the designated sites. However, our information may be incomplete. We believe DOE should not be required to institute active measures that would completely restore ground water at these sites if such restoration is technically impracticable from an engineering perspective, and if, at a minimum, protection of human health and the environment is assured. Consistent with the provisions of SARA for remediation of waste sites generally, the proposed standards would therefore permit DOE to propose supplemental standards in such situations at levels achievable by site-specific alternate remedial actions that are technically practicable. The concurrence role of the NRC would also apply to such proposals. A finding of technical impracticability from an engineering perspective would require careful and extensive documentation, including an analysis of the degree to which remediation is practicable. It should be noted that the word "practicable" is not identical in meaning to the word "practical." As used here, the former means "able to be put into practice" and the latter means "cost-effective." In addition to documentation of technical matters related to cleanup technology, DOE would also have to include a detailed assessment of such site-specific matters as transmissivity of the geologic formation, contaminant properties (e.g., withdrawal and treatability potential), and the exent of contamination.

Finally, for aquifers where passive restoration can be projected to occur naturally within a period less than 100 years, and where the ground water is not now and is not now projected to be used for a community water supply within this period, we propose to allow extension of the remedial period to that time, provided satisfactory institutional control of public use of ground water and an adequate monitoring program is established and maintained throughout this extended remedial period.

The proposal to allow extension of the remedial period to permit reliance on passive restoration through natural flushing is based on the judgment that no active cleanup is warranted to restore ground-water quality where ground-water concentration limits will be met within a period no greater than 100 years through natural processes and no substantial use of the water exists or is projected, if institutional control is established that will effectively protect public health in the interim. This mechanism may also be a useful supplement for situations where active cleansing to completely achieve the standards is impracticable, environmentally damaging, or excessively costly, if the partially cleansed ground water can achieve the levels required by the standards through natural flushing within an acceptable extended remedial period. Alternate standards would not be required where final cleanup is to be accomplished through natural flushing, since those established under § 264.94 would be met at the end of the remedial period.

The proposed regulations would establish a time limit on such extension of the remedial period to limit reliance on extended use of institutional controls to control public access to contaminated ground water. Following the precedent established by our final rule for high-level radioactive wastes (40 CFR 191.14(a)), it is proposed that use of institutional controls be permitted for this purpose only when they will be needed for periods of less than 100 years. Otherwise, active restoration rather than passive restoration through reliance on natural flushing would be required.

Institutional controls must be effective over the entire period of time that they would be in use. Examples of acceptable measures include legal use restrictions enforceable by permanent government entities, or measures with a high degree of permanence, such as Federal or State ownership of the land containing the contaminated water. In some instances, a combination of institutional controls may have to be used at the same time to provide adequate protection, such as providing an alternate source of drinking water and placing a deed restriction on the property to prevent use of contaminated ground water. Institutional controls that would not be adequate are measures such as health advisories, signs, posts, admonitions, or any other measure that requires the voluntary cooperation of private parties. In all cases in which DOE proposes to use institutional controls, the measures must have a high probability of protecting the human health and the environment and must receive the concurrence of the NRC.

Restoration methods for ground water include removal methods, wherein the contaminated water is removed from the aquifer, treated, and either disposed of, used, or reinjected into the aquifer, and *in situ* methods, such as the addition of chemical or biological agents to fix the contamination in place. Appropriate restoration methods will depend on characteristics of specific sites and may involve use of a combination of methods. Water can be removed from an aquifer by pumping it out through wells or by collecting the water from intercept trenches. Slurry walls can sometimes be put in place to contain contamination and prevent further migration of contaminants, so that the volume of contaminated water that must be treated is reduced. The background information document contains a more extensive discussion of candidate restoration methods.

We have reviewed preliminary information on all 24 sites and detailed information on 12 of the 24 to make a preliminary assessment of the extent of potential applicability of the proposed supplemental standards and use of passive remediation under institutional control. Based on these analyses, none of the pre-existing ground water beneath uranium mill tailings piles falls into Class I. Approximately two-thirds of the sites appear to be over Class II and the balance over Class III ground waters. The rate at which natural flushing is occurring at three or four of the 24 sites would permit consideration of passive remediation under institutional control as the sole remedial method. We are not able to predict the applicability of provisions regarding technical impracticability or excess environmental harm, since this requires detailed analysis of specific sites, but we anticipate that wide application would be unlikely. It is emphasized that the above assessments are not based on final results for the vast majority of these sites, and is, therefore, subject to change.

RCRA regulations provide that, for disposal units regulated by EPA under RCRA, the constituents to be included in the ground water protection standard (§ 264.93) and acceptable concentrations of each (§ 264.94) are decided by the Regional Administrator of EPA. The regulations also provide for ACLs to be issued by the Regional Administrator. The criteria to be considered when

issuing ACLs are listed in § 264.94(b). EPA's regulations under Title II of UMTRCA provide that the NRC, which regulates active sites, replace the EPA Regional Administrator for the above functions when any contamination permitted by an ACL will remain on the licensed site. Because section 108(a) of UMTRCA requires the Commission's concurrence with DOE's selection and performance of remedial actions to conform to EPA's standards, we propose that the Nuclear Regulatory Commission administer all such functions for Title I, including concurrence on supplemental standards.

C. Request for Comments

The Agency solicits comment on this entire proposed rule. In addition, we are particularly interested in receiving comments and recommendations on the following issues:

1. Should a liner requirement always be imposed on tailings piles that are moved to a new location? Should a liner be required only if the DOE or the NRC conclude that it is needed to satisfy the ground-water standards for disposal?

2. For designated processing sites from which tailings have been removed, is a specific requirement that DOE clean up the ground water before releasing the land to State or private owners needed to assure that such cleanup will occur?

3. Should institutional controls be relied upon, for a limited time, to prevent access of the public to ground water in order to permit-use of natural flushing of contaminants, as proposed? If so, what types of institutional controls should be allowed? Should these be specified in the rule? Is the proposed time period appropriate?

4. Should the option to make use of natural flushing for cleansing of contaminants be limited to cases where some restoration of the ground water has already been carried out? Should the use of an alternate concentration limit (ACL) be permitted, as proposed, in the case of clean up to be achieved (in whole or part) by natural flushing?

5. Are the proposed bases for supplemental standards for cleanup reasonable and adequate for the protection of public health? Should other bases be provided and, if so, what are they? Should the provisions for natural flushing and supplemental standards for cleanup apply only to existing contamination or should they also apply, as is proposed, to "new" contamination due to failure of the disposal design to perform as intended?

6. Under these proposed standards, alternate concentration limits would be concurred in by the NRC. Should EPA establish generic criteria and/or guidance governing the application of the provisions of § 264.94(b) of this Part to these judgments for these standards?

7. Should EPA publish, as part of this standard, a restricted list of just those radioactive and toxic constituents that are present at these sites, or continue to rely on the entire list (supplemented as proposed) of constituents encompassed by RCRA regulations? Should the proposed list of additional listed constituents be changed?

8. EPA could consider publishing a restricted list of just those radioactive and toxic constituents that are principal contaminants at these sites and specifying a limit for each of these, under the assumption that any minor contaminants would be taken care of in the cleanup of these principal contaminants. With such a restricted set of constituents and corresponding complete set of limits, EPA could then consider dropping the provisions for ACLs and relying solely on the remaining provisions for exceptional cases. Should EPA adopt this approach?

9. Should EPA specify a minimum or the entire period for post-disposal ground-water monitoring in Subpart A, or leave it to the DOE and NRC to determine this period on a site-specific basis, as proposed? If EPA should specify a period, what length would be appropriate to demonstrate conformance to the disposal design standard, and on what basis should this value be chosen?

10. For tailings regulated by NRC under Title II of the Act, section 84(a)(3) requires the NRC to develop regulations to conform to general requirements applicable to the possession, transfer, and disposal of hazardous materials regulated by the Administrator. Should the standards proposed here incorporate such requirements for tailings regulated under Title I?

11. Is it appropriate to base the uranium contaminant limit on radioactivity alone or should the chemical toxicity of uranium result in a more restrictive value?

12. Should the Agency consider revising the Title II regulations to incorporate those portions of the Title I regulations that are different from the Title II regulations, e.g., the additional contaminant limits in Table A?

13. Are the estimated costs of implementing these proposed standards accurate and based on reasonable assumptions?

14. What criteria should be used to judge "technically impracticable from an engineering perspective?" Can and should these criteria be specified in the rule or should they be left to the judgment of the Department of Energy and the Nuclear Regulatory Commission?

15. The criteria proposed here to specify ground water as Class III, and therefore qualified for supplemental standards, are based on draft proposals still under consideration by the Agency. Are these criteria appropriate for this application, or would others be more appropriate for use at these sites?

V. Implementation

UMTRCA requires the Secretary of Energy to select and perform the remedial actions needed to implement these standards, with the full participation of any State that shares the cost. The NRC must concur with these actions and, when appropriate, the Secretary of Energy must also consult with affected Indian tribes and the Secretary of the Interior.

The cost of remedial actions will be borne by the Federal Government and the States as prescribed by UMTRCA. The clean-up of ground water is a large-scale undertaking for which there is relatively little experience. Ground-water conditions at the inactive processing sites vary greatly, and, as noted above, engineering experience with some of the required remedial actions is limited. Although preliminary engineering assessments have been performed, specific engineering requirements and costs to meet the ground-water standards at each site have yet to be determined. We believe that costs averaging about 12 million (1986) dollars for each tailings site at which extensive cleanup is required are most likely.

The benefits from the cleanup of this ground water are difficult to quantify. We expect that, in a few instances, ground water that was unusable due to contamination from tailings piles and needed for use will be restored. In the areas where the tailings were processed, ground water is relatively scarce due to the arid condition of the land. However, most of the contamination at these sites occurs in shallow alluvial aquifers, which have limited current use in these locations because of their generally poor quality and the availability of better water from deeper aquifers.

Implementation of the disposal standard for protection of ground water will require a judgment that the method chosen provides a reasonable expectation that the provisions of the standard will be met, to the extent reasonably achievable, for up to 1000 years and, in any case, for at least 200 years. This judgment will necessarily be based on site-specific analyses of the properties of the sites, candidate

disposal systems, and the potential effects of natural processes over time. Therefore, the measures required to satisfy the standard will vary from site to site. We expect that actual site data, computational models, and expert judgment will be the major tools in deciding that a proposed disposal system will satisfy the standard.

The purpose of the proposed ground-water cleanup standard is to provide the maximum reasonable protection of public health and the environment. Costs incurred by remedial actions should be directed toward this purpose. We intend the standards to be implemented using verification procedures whose cost and technical requirements are reasonable. Procedures that provide a reasonable assurance of compliance with the standards will be adequate. Measurements to assess existing contamination and to determine compliance with the cleanup standards should be performed with reasonable survey and sampling procedures designed to minimize the cost of verification.

The explanatory discussions regarding implementation of these regulations in § 192.20 (a)(2) and (a)(3) are revised to remove those provisions that the Court remanded and to reflect these new proposals.

These standards are not expected to affect the disposal work DOE has already performed on tailings. We expect, in general, that a pile that has been properly designed to comply with the disposal standards now in effect for long term stabilization and control of radon emanation from a pile will also comply with these disposal standards for the control of ground-water contamination. DOE will have to determine, with the concurrence of the NRC, if any additional work may be needed to comply with the ground-water cleanup requirements. However, any such cleanup work should not adversely affect the control systems for tailings piles that have already been or are currently being installed.

VI. Regulatory Impact Analysis/ Regulatory Flexibility

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. That order requires such an analysis if the regulations would result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed regulation is not Major, because we expect the costs of the remedial action program for ground water in any calendar year to be less than $100 million; States bear only 10% of these costs and there are no anticipated major affects on costs or prices for others; and we anticipate no significant adverse effects on domestic or foreign competition, employment, investment, productivity, or innovation. Estimated costs under these proposed regulations are discussed in the Background Information Document.

This proposed regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980 U.S.C. 3501, et seq.

This proposed regulation will not have a signficant effect on a substantial number of small entities, as specified under section 605 of the Regulatory Flexibility Act, because there are no small entities subject to this regulation.

Dated: September 10, 1987.

Lee M. Thomas,

Administrator.

List of Subjects in 40 CFR Part 192

Environmental protection, Radiation protection, Uranium.

For reasons set forth in the preamble, 40 CFR Chapter I, Part 192, Subparts A, B and C are proposed to be amended as follows:

PART 192—HEALTH AND ENVIRONMENTAL PROTECTION STANDARDS FOR URANIUM MILL TAILINGS

1. The authority citation for Part 192 continues to read as follows:

Authority: Section 275 of the Atomic Energy Act of 1954, 42 U.S.C. 2022, as added by the Uranium Mill Trailings Radiation Control Act of 1978 as amended, Pub. L. 95–604.

Subpart A—Standards for the Control of Residual Radioactive Materials From Inactive Uranium Processing Sites

* * * * *

2. Section 192.01 is amended by revising paragraph (a) and adding paragraphs (g), (h), (i), and (j) to read as follows:

§ 192.01 Definitions.

(a) Unless otherwise indicated in this subpart, all terms have the same meaning as in Title I of the Act. Reference to Part 264 of the Code of Federal Regulations is to that Part as codified on January 1, 1983. [These references will be replaced by the complete text in the final rule.]

* * * * *

(g) *Remedial period* means the period of time beginning March 7, 1983 and ending with the completion of requirements specified under a remedial action plan.

(h) *Remedial Action Plan* means a written plan for a specific site that incorporates the results of site characterization studies, environmental assessments or impact statements, and engineering assessments into a plan for disposal and cleanup which satisfies the requirements of Subparts A and B.

(i) *Post-disposal period* means the period of time beginning immediately after the completion of the requirements of Subpart A and ending at completion of the monitoring requirements established under § 192.02(b).

(j) *Ground water* is subsurface water within a zone in which substantially all the voids are filled with water under pressure equal to or greater than that of the atmosphere.

3. Section 192.02 is amended by redesignating and revising the introductory text as paragraph (a); paragraph (a) is redesignated as paragraph (a)(1); paragraph (b) introductory text is redesignated as paragraph (a)(2); paragraph (b)(1) is redesignated as paragraph (a)(2)(i); paragraph (b)(2) is redesignated as paragraph (a)(2)(ii); and paragraphs (a)(3), (a)(4), (b) and (c) are added to read as follows:

§ 192.02 Standards.

(a) Control of residual radioactive materials and their listed constituents shall be designed [1] to:

* * * * *

(3) Conform to the ground-water protection provisions of §§ 264.92–264.95 of Part 264 of this chapter, except that, for the purposes of this subpart:

(i) To the list of constituents referenced in § 264.93 of this chapter are added molybdenum, radium, uranium, and nitrate,

[1] Because the standard applies to design, monitoring after disposal is not required to demonstrate compliance. This footnote applies only to § 192.02(a) (1) and (2).

(ii) To the concentration limits provided in Table 1 of § 264.94 of this chapter are added the constituent limits in Table A of this subpart,

TABLE A.

Constituent	Limit
Combined radium-226 and radium-228.	5 pCi/liter.
Combined uranium-234 and uranium-238.	30 pCi/liter.
Gross alpha-particle activity (excluding radon and uranium)..	15 pCi/liter.
Nitrate (as N)	10 mg/liter.
Molybdenum	0.1 mg/liter.

(iii) The Secretary shall determine what listed constituents are present in the tailings at a disposal site,

(iv) A monitoring program shall be established upgradient of the disposal site adequate to determine background levels of listed constituents,

(v) The Secretary may propose and, with the Commission's concurrence, apply alternate concentration limits, provided that, after considering practicable corrective actions, the Commission determines that these are as low as reasonably achievable, and that, in any case, § 264.94(b) is satisfied, and

(vi) The functions and responsibilities designated in referenced paragraphs of Part 264 of this chapter as those of the "Regional Administrator" with respect to "facility permits" shall be carried out by the Commission.

(4) Comply with the performance standard in § 264.111 (a) and (b) of this chapter.

(b) The Secretary shall propose and, following concurrence by the Commission, implement a monitoring plan, to be carried out over a period of time which shall constitute the post-disposal period, which is adequate to demonstrate that initial performance of the disposal is in accordance with the design requirements of § 192.02(a).

(c) If the ground-water standards established under provisions of § 192.02(a) are found or projected to be exceeded, as a result of the monitoring program established for the post-disposal period under § 192.02(b), a corrective action program to restore the disposal to the design requirements of § 192.02(a) and, as necessary, to clean up ground water in conformance with Subpart B shall be put into operation as soon as is practicable, and in no event later than eighteen (18) months after a finding of exceedance.

Subpart B—Standards for Cleanup of Land and Buildings Contaminated With Residual Radioactive Materials From Inactive Uranium Processing Sites

* * * * *

4. Section 192.11 is amended by revising paragraph (b) and adding paragraph (e) to read as follows:

§ 192.11 Definitions.

* * * * *

(b) *Land* means (1) any surface or subsurface land that is not part of a disposal site and is not covered by an occupiable building, and (2) subsurface land that contains ground water contaminated by listed constituents from residual radioactive material from the processing site.

* * * * *

(e) *Class III ground water* [3] means ground water that is not a current or potential source of drinking water because (1) the concentration of total dissolved solids is in excess of 10,000 mg/1, (2) widespread, ambient contamination not due to activities involving residual radioactive materials from a designated processing site exists that cannot be cleaned up using treatment methods reasonably employed in public water-supply systems, or (3) the quantity of water available is less than 150 gallons per day.

5. In § 192.12, the introductory text is republished and paragraph (c) is added to read as follows:

§ 192.12 Standards.

Remedial actions shall be conducted so as to provide reasonable assurance that, *as a result of residual radioactive materials from any designated processing site:*

* * * * *

(c) The concentration of any listed constituent in ground water as a result of releases from residual radioactive material at any designated processing site shall not exceed the provisions of §§ 264.92–264.94 of this chapter as modified by § 192.02(a)(3) (i) and (ii), except that for the purposes of this subpart:

(1) The Secretary shall carry out a monitoring program adequate to define the extent of ground-water contamination by listed constituents from residual radioactive materials and to monitor compliance with this Subpart.

(2) The Secretary may propose and, with the Commission's concurrence, apply alternate concentration limits, provided that, after considering practicable corrective actions, the Commission determines that these are as low as reasonably achievable, and § 264.94(b) is satisfied.

(3) The functions and responsibilities designated in referenced paragraphs of Part 264 of this chapter as those of the "Regional Administrator" with respect to "facility permits" shall be carried out by the Commission.

(4) The remedial period established under Subpart A may be extended by an amount not to exceed 100 years if:

(i) The concentration limits established under this Subpart are not projected to be exceeded at the end of this extended remedial period,

(ii) Institutional control, which will effectively protect public health and satisfy beneficial uses of ground water during the extended remedial period, is instituted, as part of the remedial action, at the processing site and wherever contamination by listed constituents from residual radioactive materials is found in ground water, or is projected to be found,

(iii) The ground water is not currently and is not now projected to become a source of supply for public drinking water subject to provisions of the Safe Drinking Water Act during the extended remedial period, and

(iv) The requirements of Subpart A are satisfied within the time frame established under section 112(a) of the Act, or as extended by Act of Congress.

Subpart C—Implementation

6. In § 192.20, paragraphs (a)(2), and (a)(3) and (b)(1) are revised and paragraph (b)(4) is added to read as follows:

§ 192.20 Guidance for implementation.

* * * * *

(a) * * *

(2) Protection of water should be considered on a case-specific basis, drawing on hydrological and geochemical surveys and all other relevant data. The hydrologic and geologic assessment to be conducted at each site shall include a monitoring program sufficient to establish background ground water quality through one or more upgradient wells. New disposal sites for tailings that still contain water at greater than the level of "specific retention" or tailings that are slurried to the new location shall use

[3] Class III ground waters are further defined in *Ground-Water Protection Strategy*, Office of Ground-Water Protection, USEPA, Washington, DC 20460, August 1984, and the Final Draft of *Guidelines for Ground-Water Classification under the EPA Ground-Water Protection Strategy*, Office of Ground-Water Protection, USEPA, Washington, DC 20460, December 1986.

a liner or equivalent to prevent contamination of ground water.

(3) The remedial action plan, following approval by the Commission, will specify how applicable requirements of Subpart A are to be satisfied. The plan shall include the schedule and steps necessary to complete disposal operations at the site. It shall include an estimate of the inventory of wastes to be disposed of in the pile and their listed constituents and address (i) any need to eliminate free liquids; (ii) stabilization of the wastes to a bearing capacity sufficient to support the final cover; and (iii) the design and construction of a cover to manage the migration of liquids through the stabilized pile, function with minimum maintenance, promote drainage and minimize erosion or abrasion of the cover, and accommodate settling and subsidence so that the cover's integrity is maintained.

(b)(1) Compliance with § 192.12 (a) and (b) of Subpart B, to the extent practical, should be demonstrated through radiation surveys. Such surveys may, if appropriate, be restricted to locations likely to contain residual radioactive materials. These surveys should be designed to provide for compliance averaged over limited areas rather than point-by-point compliance with the standards. In most cases, measurement of gamma radiation exposure rates above and below the land surface can be used to show compliance with § 192.12(a). Protocols for making such measurements should be based on assuming realistic radium distributions near the surface rather than extremes rarely encountered.

* * * * *

(4) The remedial action plan, following approval by the Commission, will specify how applicable requirements of Subpart B would be satisfied. The plan should include the schedule and steps necessary to complete the cleanup of ground water at the site. It should document the extent of contamination due to releases prior to final disposal, including the identification and location of listed constituents and the rate and direction of movement of contaminated ground water. In addition, the assessment should consider future plume movement, including an evaluation of such processes as attenuation and dilution. In cases where § 192.12(c)(4) is invoked, the plan should include a monitoring program to verify projections of plume movement and attenuation throughout the remedial period. Finally, the plan should specify details of the method to be used for cleanup of ground water.

7. In § 192.21, the introductory text and paragraph (b) are revised, paragraph (f) is redesignated as paragraph (h), and new paragraphs (f) and (g) are added to read as follows:

§ 192.21 Criteria for applying supplemental standards.

Unless otherwise indicated in this subpart, all terms shall have the same meaning as defined in Title I of the Act or in Subparts A and B. The implementing agencies may (and in the case of subsection (h) shall) apply standards under § 192.22 in lieu of the standards of Subparts A or B if they determine that any of the following circumstances exists:

* * * * *

(b) Remedial actions to satisfy the cleanup standards for land, § 192.12 (a) and (c), or the acquisition of minimum materials required for control to satisfy § 192.02(a) (2) and (3), would, notwithstanding reasonable measures to limit damage, directly produce environmental harm that is clearly excessive compared to the health benefits to persons living on or near the site, now or in the future. A clear excess of environmental harm is harm that is long-term, manifest, and grossly disproportionate to health benefits that may reasonably be anticipated.

* * * * *

(f) The restoration of ground water quality at any designated processing site under § 192.12(c) is technically impracticable from an engineering perspective.

(g) The ground water is Class III.

* * * * *

8. In § 192.22, paragraphs (a) and (b) are revised and paragraph (d) is added to read as follows:

§ 192.22 Supplemental standards.

* * * * *

(a) When one or more of the criteria of § 192.21 (a) through (g) applies, the implementing agencies shall select and perform remedial actions that come as close to meeting the otherwise applicable standard as is reasonable under the circumstances.

(b) When § 192.21(h) applies, remedial actions shall, in addition to satisfying the standards of Subparts A and B, reduce other residual radioactivity to levels that are as low as is reasonably achievable.

* * * * *

(d) When § 192.21 (f) or (g) applies, implementing agencies must apply any remedial actions for the restoration of contaminated ground water that is required to assure, at a minimum, protection of human health and the environment.

[FR Doc. 87-21723 Filed 9-23-87; 8:45 am]
BILLING CODE 6560-50-M

Reader Aids

Federal Register

Vol. 52, No. 185

Thursday, September 24, 1987

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-1184
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws 523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-5240
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

32907-33216.....1
33217-33398.....2
33399-33570.....3
33571-33796.....4
33797-33914.....8
33915-34192.....9
34193-34372.....10
34373-34616.....11
34617-34760.....14
34761-34890.....15
34891-35058.....16
35059-35214.....17
35215-35394.....18
35395-35522.....21
35523-35678.....22
35679-35904.....23
35905-36008.....24

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

456.....34373

3 CFR

Proclamations:
5697.....34193
5698.....34195
5699.....34197
5700.....34199
5701.....34761
5702.....35523
5703.....35525
5704.....35527
5705.....35905

Executive Orders:
8248 (Amended by EO 12608).....34617
8512 (Amended by EO 12608).....34617
8744 (Revoked by EO 12608).....34617
9094 (Amended by EO 12608).....34617
9830 (Amended by EO 12608).....34617
9979 (Amended by EO 12608).....34617
10289 (Amended by EO 12608).....34617
10484 (Amended by EO 12608).....34617
10499 (Amended by EO 12608).....34617
10521 (Amended by EO 12608).....34617
10530 (Amended by EO 12608).....34617
10582 (Amended by EO 12608).....34617
10608 (Amended by EO 12608).....34617
10624 (Amended by EO 12608).....34617
10786 (Amended by EO 12608).....34617
10797 (Amended by EO 12608).....34617
10840 (Amended by EO 12608).....34617
10841 (Amended by EO 12608).....34617
10880 (Revoked by EO 12608).....34617
10903 (Amended by EO 12608).....34617
10909 (Amended by EO 12608).....34617
11012 (Amended by EO 12608).....34617
11023 (Amended by EO 12608).....34617
11030 (Amended by EO 12608).....34617
11034 (Amended by EO 12608).....34617
11044 (Amended by EO 12608).....34617
11047 (Amended by EO 12608).....34617
11060 (Amended by EO 12608).....34617
11077 (Amended by EO 12608).....34617
11079 (Amended by EO 12608).....34617
11140 (Amended by EO 12608).....34617
11157 (Amended by EO 12608).....34617
11377 (Revoked by EO 12608).....34617
11390 (Amended by EO 12608).....34617
11440 (Amended by EO 12608).....34617
11467 (Amended by EO 12608).....34617
11480 (Amended by EO 12608).....34617
11490 (Amended by EO 12608).....34617
11561 (Amended by EO 12608).....34617
11580 (Amended by EO 12608).....34617
11583 (Amended by EO 12608).....34617
11609 (Amended by EO 12608).....34617
11623 (Amended by EO 12608).....34617
11644 (Amended by EO 12608).....34617
11687 (Amended by EO 12608).....34617
11747 (Amended by EO 12608).....34617
11755 (Amended by EO 12608).....34617
11758 (Amended by EO 12608).....34617
11776 (Amended by EO 12608).....34617
11800 (Amended by EO 12608).....34617
11845 (Amended by EO 12608).....34617
11880 (Amended by EO 12608).....34617
11899 (Amended by EO 12608).....34617
11911 (Revoked by EO 12608).....34617

11990 (Amended by EO 12608)....34617
12034 (Revoked by EO 12608)....34617
12048 (Amended by EO 12608)....34617
12049 (Amended by EO 12608)....34617
12086 (Amended by EO 12608)....34617
12101 (Amended by EO 12608)....34617
12138 (Amended by EO 12608)....34617
12146 (Amended by EO 12608)....34617
12154 (Amended by EO 12608)....34617
12163 (Amended by EO 12608)....34617
12196 (Amended by EO 12608)....34617
12208 (Amended by EO 12608)....34617
12295 (Revoked by EO 12608)....34617
12322 (Amended by EO 12608)....34617
12328 (Amended by EO 12608)....34617
12426 (Revoked by EO 12608)....34617
12606....34188
12607....34190
12608....34617

Administrative Orders:

Memorandums:
August 27, 1987....33397

5 CFR

752....34623
890....34625
930....34201

Proposed Rules:

551....34657
1260....35722
1261....35722

7 CFR

2....33571
12....35194
27....35215
28....35215
53....35679
54....35679
61....35215
272....35221
277....35221
301....32907, 33218, 35059, 35350
418....34626
419....34627
427....34628
429....34629
439....34630
725....35227
726....35227
905....33217
910....33224, 33572, 34631, 35395
987....35529
1004....34763
1079....33915
1137....35395
1250....33903
1957....35518

Proposed Rules:

210....32930
226....35105
245....33834
246....35264
301....35105
340....35921
401....34658-34667, 34671, 34673, 34809, 35266
413....33941
420....34670
421....34674
423....32931
424....35269
431....32932
432....33942
438....34675
448....35270
724....33943
945....33833
981....34676
1068....33943
1136....32933
1139....32933
1942....32933
1951....32933, 32935
1955....32933
1965....32935

8 CFR

204....33797
245....34764

Proposed Rules:

1....35271

9 CFR

78....33798, 34207
91....33573
92....35230
93....35350
94....33800
99....35350
166....34208

Proposed Rules:

85....34391
92....34456, 35271
94....34677

10 CFR

20....33916
50....34884
456....34138
458....34138
961....35356

Proposed Rules:

50....34223
73....33420
600....35111

11 CFR

100....35530
110....35530

12 CFR

202....35537
221....35683
303....35396
308....35396
310....34208
346....34209
522....33399
563....33399
592....33399
700....34891
705....34981
706....35060
790....35231

Proposed Rules:

Ch. V....33595
226....33596, 34811
332....35724

13 CFR

101....35411
105....34895

Proposed Rules:

107....33598

14 CFR

21....34744
23....34744
36....34744
39....32912, 32913, 33224, 33227, 33228, 33917, 33918, 34631, 34632, 34896, 34899, 35232, 35233, 35683, 35689, 35907
43....34096, 35234
45....34096, 35234
71....32914, 32915, 33680, 33919, 34210, 34457, 34900, 34901, 35388
73....35234, 35235
75....35235, 35236, 35693, 35694
91....34096, 34744, 35234
95....34374
97....34902
135....34744
234....34056, 34077
255....34056
1204....35538

Proposed Rules:

Ch. I....35272
21....33246
23....33246
39....32937, 33947-33952, 34225-34228, 35273, 35725-35729
71....34230, 34606, 34682, 34683
91....35052
217....34889
241....34889

15 CFR

372....34211
373....33919
374....34212
375....34212
399....33919, 34213, 35538

Proposed Rules:

806....34685
971....34748

16 CFR

5....34764
13....33921, 34213, 34766, 35412, 35413
455....34769

17 CFR

1....34633
202....33796

Proposed Rules:

1....33680
200....35115

18 CFR

2....35539
11....33801
35....35695
284....35539
385....35908

Proposed Rules:

2....33756, 33766
154....35117
157....35117
260....35117
284....33756, 33766, 35117
1301....34343

19 CFR

101....35062

Proposed Rules:

113....35274

20 CFR

404....33316, 33921
416....33921, 34772, 35187, 35836
602....33520, 34343

Proposed Rules:

416....34813

21 CFR

10....35063
58....33768
81....33573
177....32916, 33574, 33802, 35540, 35910
178....33929, 34047, 35541, 35910
193....34903
310....34047
331....33576
341....34047, 35610
369....34047
436....35911
442....35911
444....35911
510....32917
520....34637
540....32917
558....33803, 33930, 35518
561....34903
872....34456
886....33346
888....33686

Proposed Rules:

133....35426, 35435
189....33952
193....35730
201....35610
310....35610
341....35610
352....33598
369....35610
872....34047, 34343
886....33366
888....33714

23 CFR

658....35064
752....34638

Proposed Rules:

1204....33422
1205....33422

24 CFR

17....35413
201....33404, 34903
203....33680, 34903
215....34108
232....35067
234....33680, 33804, 34903
235....35067
236....34108

48 CFR

1 35612
15 35612
30 35612
31 35612
52 35612
203 ..... 34386, 34781
204 34781
205 34781
206 34781
207 34781
208 ..... 33411, 34781, 34866
209 34386
210 34781
213 ..... 33413, 34781
214 34781
215 34781
217 ..... 33415, 34781
222 34781
225 34781
233 34781
244 34781
245 34781
252 ..... 34386, 34781
253 33413
507 35092
519 34387
552 35092
553 34387
571 33416
1801 34790
1802 34790
1803 34790
1804 34790
1805 34790
1810 34790
1812 34790
1813 34790
1815 34790
1816 34790
1822 34790
1823 34790
1832 34790
1842 34790
1845 34790
1847 34790
1852 34790
1870 34790
2801 34389
2806 34389
2808 34389
2809 34389
2827 34389
2834 34389
2852 34389

Proposed Rules:

Ch. 53 34692
29 35996
31 35191
52 35996
209 33450
225 33450
252 33450

49 CFR

192 32924
383 32925
543 33821
571 ..... 33416, 34654, 35709
1181 33418
1207 33418
1244 33418
1249 33418
1313 33419

Proposed Rules:

171 35464
172 ..... 33611, 33906, 35464
173 ..... 33906, 35464
174 ..... 33906, 35464
175 ..... 33906, 35464
176 ..... 33906, 35464
177 ..... 33906, 35464
178 ..... 33906, 35464
179 ..... 33906, 35464
571 ..... 35740, 35741
1002 34818
1039 33257

50 CFR

17 ..... 32926, 34914, 35034, 35366
20 35248
26 35710
256 35920
257 35920
285 34655
301 33831
604 35717
611 33593
641 35717
642 ..... 33594, 35720
651 35093
653 34918
661 ..... 33244, 34807, 35263
663 33593
672 ..... 35424, 35721
675 ..... 33245, 34656

Proposed Rules:

17 ..... 32939, 33849, 33850, 33980, 34396, 34966, 35282
20 35563
23 35710
611 32942
644 35119
650 35464
675 32942

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List August 31, 1987